

SENATE.

SATURDAY, February 24, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

HISTORY OF THE CENSUS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Commissioner of Labor, transmitting, in response to a resolution of the 23d instant, the manuscript prepared by him on the History and Growth of the United States Census. Quite a large mass of papers accompany the communication.

Mr. HALE rose.

The PRESIDENT pro tempore. What does the Senator from Maine suggest in relation to it?

Mr. HALE. I did not quite understand. Is it a history of the census?

The PRESIDENT pro tempore. It is a report of Mr. Carroll D. Wright, in response to a resolution of the Senate, giving the history and growth of the census. The resolution was offered by the chairman of the Census Committee, the Senator from Montana [Mr. CARTER].

Mr. HALE. I should think, from the size of the document, that the printing must exceed the \$500 limit, and so it ought to go to the Committee on Printing.

Mr. PENROSE. I move that it be referred to the Committee on the Census.

Mr. HALE. I do not see any objection to that, and then that committee can scrutinize it and report; but it has to be printed first, or else there is no use to refer it. I suggest it had better go to the Committee on Printing, and then have them refer it, when it is ordered printed, to the Committee on the Census.

Mr. PENROSE. I suggest, as the communication was sent here in response to a resolution submitted by the chairman of the Committee on the Census, and as he is absent, it is only courtesy due to him to hold the matter up or refer it to his committee.

Mr. HALE. Under those circumstances let it lie on the table until the Senator comes in. I did not know that he had offered the resolution.

Mr. PENROSE. I understood the Chair to so state.

The PRESIDENT pro tempore. Yes; it was in response to a resolution submitted by the Senator from Montana [Mr. CARTER].

Mr. HALE. Then let it lie on the table.

The PRESIDENT pro tempore. It will lie on the table for the present.

Mr. CARTER subsequently said: The communication from the Commissioner of Labor, embraced in the package before the Senate, is a history of the various censuses taken from the foundation of the Government up to this time. I presume, viewing the mass at this distance, the amount involved in printing will exceed the sum named in the rule, \$500, and I therefore suggest that the communication and accompanying papers go to the Committee on Printing for report.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Printing under the rule, there being no objection.

Mr. CARTER subsequently said: Mr. President, during the morning hour a report received from the Commissioner of Labor in response to a resolution of the Senate was referred to the Committee on Printing under objection of the Senator from Maine [Mr. HALE]. Since that time, I understand the Senator has apprised himself of the nature of the communication and the desirability of having it printed. In view of the fact that it should be printed without delay, I move that the Committee on Printing be discharged from the further consideration of the subject-matter, and that the usual number of copies of the document be printed.

The PRESIDENT pro tempore. The Senator from Montana, from the Committee on the Census, asks that the order referring the report of the Commissioner of Labor to the Committee on Printing this morning be reconsidered and that it be referred to the Committee on the Census, and ordered to be printed. Is there objection? The Chair hears none, and it is so ordered.

INTERIOR DEPARTMENT LIBRARY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Interior, with inclosure, requesting that provision be made in the legislative, executive, and judicial appropriation bill for appropriation for the purchase of current literature for the library of the Department of the Interior in the sum of \$500; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4698) granting an increase of pension to John C. Fitnam;

A bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport, and Natchez Railway Company of a bridge across Twelve-Mile Bayou, near Shreveport, La.; and

A bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Grand Lodge, Brotherhood of Locomotive Firemen, of Peoria, Ill., and a petition of Local Branch No. 305, National Association of Letter Carriers, of Joliet, Ill., praying for the enactment of legislation to increase the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Quincy, Ill., and a petition of the Business Men's Association of Hampton, Va., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the National Live Stock Exchange of Chicago, Ill., remonstrating against the passage of the so-called oleomargarine bill, and praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 99, Cigar Makers' International Union, of Ottawa, Ill., remonstrating against the admission of products from Puerto Rico and the Philippines free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of Local Unions Nos. 14, 15, 217, and 227, Cigar Makers' International Union, all of Chicago, Ill., remonstrating against the reduction of the tariff on cigars imported from Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the National Paperhangers' Association, of Chicago; the Trades' and Labor Association, of Bloomington; the Federal Union of Mt. Vernon, and the Trades' and Labor Assembly, of Canton, all in the State of Illinois, remonstrating against the cession of public lands to the several States; which were referred to the Committee on Public Lands.

He also presented petitions of Local Union No. 63, United Brotherhood of Carpenters and Joiners, of Bloomington; of Local Union No. 58, United Mine Workers, of Kewanee; of Local Union No. 416, United Brotherhood of Carpenters and Joiners, of Chicago; of Local Union No. 52, Coal Miners' Union, of Centralia; of Local Union No. 800, United Mine Workers, of Streator; of Local Union No. 274, Cigar Makers' International Union, of Pekin, and of Local Union No. 98, United Mine Workers, of Duquoin, all in the State of Illinois, praying for the enactment of legislation limiting the hours of daily service of laborers, workmen, and mechanics employed upon public works in the United States or any Territory or the District of Columbia, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

Mr. HEITFELD presented the petition of Catharine P. Wallace, president, and Anna Van Schick, secretary, on behalf of the New Mexico Woman Suffrage Association, praying that political equality be granted to the women of Hawaii and the other new island possessions; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the Chamber of Commerce, of Boise, Idaho, remonstrating against the leasing of public lands to individuals and private corporations, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Idaho, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the enactment of legislation to regulate the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the enactment of legislation to increase the artillery force of the United States Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Cahuenga Valley Lemon

Exchange, of Colegrove, Cal., remonstrating against the establishment of free trade with the people of Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the California State Woman Suffrage Association, praying that the right of suffrage be extended to the women of Hawaii, Cuba, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Oakland City Council, of California, praying for the appointment of a commission of United States engineers to examine and make plans for the improvement of Oakland Harbor, in that State; which was referred to the Committee on Commerce.

Mr. GALLINGER presented a letter, in the nature of a memorial, from A. Purley Fitch, of Concord, N. H., remonstrating against the free distribution of blackleg vaccine by the Bureau of Animal Industry; which was referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented a petition of Du Lac Grange, No. 72, Patrons of Husbandry, of Wisconsin, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a memorial of Local Union No. 61, Cigar Makers' International Union, of La Crosse, Wis., remonstrating against the admission of cigars free of duty from Puerto Rico and the Philippines; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 61, Cigar Makers' International Union, of La Crosse, Wis., praying that all the remaining public lands be held for the benefit of the whole people and that the public grazing lands be leased to settlers on adjacent lands, etc.; which was referred to the Committee on Public Lands.

Mr. FRYE presented a petition of the congregation of the Friends' Church, of Elba, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in military canteens, Soldiers' Homes, immigrant stations, and public buildings, and also to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which was referred to the Committee on Education and Labor.

He also presented memorials of the Medical Society of the City Hospital Alumni of St. Louis, Mo.; of the Medical Society of the State of California, and of the Lake County Medical Association of Colorado, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

THE PACIFIC CABLE.

Mr. HALE. I present a letter from Edmund L. Baylies, accompanying a summary of the argument presented to Congress upon the question as to whether the proposed Pacific cable shall be made and laid by a private corporation or by the United States; also a letter from James A. Scrymser, accompanying a report of Mr. Carson, manager of the Anglo-American Telegraph Company, respecting the life of ocean cables, and a copy of a hearing before the Committee on Naval Affairs on the 13th instant on the bill (S. 2) to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable. I move that the papers be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, to report it with sundry amendments, and to submit a written report thereon, which I ask may be printed. I shall endeavor to call the bill up at some early day next week.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 855) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 98) providing for the erection of a public building at the city of Spokane, in the State of Washington, reported it with an amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 1260) to enable the President to restore Second Lieut. Henry Ossian Flipper, United States Army, to duty, rank, and status in the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom

was referred the bill (S. 1319) granting an increase of pension to Annie E. Joseph, reported it with amendments, and submitted a report thereon.

Mr. MONEY, from the Committee on Public Buildings and Grounds, submitted a report to accompany the bill (S. 1402) for the erection of a public building at Natchez, Miss., heretofore reported by him.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 2584) for the relief of Mary E. McDonald, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 142) for the relief of Frederick K. Carlisle, asked that the committee be discharged from its further consideration, and that the bill and accompanying papers be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2533) to restrict grounds of divorce and improve the procedure in the District of Columbia and the Territories, and for other purposes, asked that the committee be discharged from its further consideration, and that the bill be referred to the Committee on the District of Columbia; which was agreed to.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3310) to restore the name of W. H. Mills to the roll of the Volunteer Army of the United States, and to grant him an honorable discharge therefrom; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3311) for the relief of Edwin Bell; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 3312) granting a pension to Hanora Darwan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3313) extending the mining laws to saline lands; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. HALE introduced a bill (S. 3314) granting a pension to Mary I. Bradbury; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3315) granting an increase of pension to William G. Stone;

A bill (S. 3316) granting an increase of pension to William C. C. Whitlock; and

A bill (S. 3317) granting an increase of pension to John W. Baynum.

Mr. MONEY introduced a bill (S. 3318) for the relief of the estate of John W. Cunyus, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3319) relating to the administration of law and justice in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 3320) for the relief of Mrs. Sophia H. Fitts; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment proposing to increase the salaries of pressmen in the office of the Treasurer of the United States from \$1,200 to \$1,400, and also the salary of one compositor and pressman in the same office from \$3.20 per day to \$1,400 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,000 for the preparation of a general index to the published volumes of the diplomatic correspondence and foreign relations of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment extending the provisions of an act entitled "An act granting extra pay to officers and enlisted men of United States Volunteers," approved January 12, 1899, to all regimental and company officers and enlisted men who served in the Volunteer Army of the United States during the war with Spain and were honorably discharged therefrom prior to January 12, 1899, intended to be proposed by him to the Army appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FAIRBANKS submitted an amendment proposing to increase the allowance for salary of the consul at Bahia, Brazil, from \$2,000 to \$2,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

GOVERNMENT FOR PUERTO RICO.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes; which were ordered to be printed.

LUCY E. BOARDLEY.

Mr. WARREN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy E. Boardley, widow of William Boardley, deceased, late a laborer in the Senate stables, a sum equal to six months' salary at the rate paid to said laborer per annum, said sum to be considered as including funeral expenses and all other allowances.

SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. Mr. President, yesterday, as I understand it, it was agreed that the resolution relative to the credentials of Hon. M. S. Quay should be called up on Monday morning. It will be observed that during the speech of the Senator from Virginia [Mr. DANIEL], when the hour of 2 o'clock arrived, the Senator from Massachusetts [Mr. HOAR] asked unanimous consent "that the unfinished business be taken up at the conclusion of the remarks of the Senator from Virginia, and that he now proceed with his remarks." The Senator from Illinois [Mr. CULLOM] said, "That is all I desire."

I do not desire to call up the resolution to-day; but I desire to notify the Senate that I shall call up the resolution on Monday, and if members of the majority of the committee are not prepared to proceed, Senators representing the opinion of the minority of the Committee on Privileges and Elections will proceed in the case.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. Is there further morning business?

Mr. COCKRELL. The Calendar.

The PRESIDENT pro tempore. If not, the Calendar under Rule VIII is in order.

Mr. CULLOM. I would ask the Senate to proceed with the consideration of the Hawaiian bill, but I see that the Senator from Connecticut [Mr. PLATT] who was to make some remarks is not present, and also the Senator from Alabama [Mr. MORGAN] seems not to be here now. I will allow the regular order to run along until those gentlemen come in.

Mr. HALE. What is the understanding? Is it that we shall proceed to consider unobjected cases under Rule VIII?

The PRESIDENT pro tempore. That is the regular order.

Mr. COCKRELL. That is the regular Calendar.

FORT PEMBINA MILITARY RESERVATION LANDS.

The bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota was announced as first in order on the Calendar.

Mr. COCKRELL. The Senator who reported that bill is absent. Let it be passed over, retaining its place.

The PRESIDENT pro tempore. The bill will be passed over.

SCHOOLS OF MINES.

The bill (S. 2746) to aid the public-land States to support schools of mines was read, and considered as in Committee of the Whole.

Mr. ALLISON. This is a pretty important bill. I hope some Senator will explain its provisions, so that we may see the effect of it.

Mr. COCKRELL. Let the report be read. It is very short.

Mr. ALLISON. Very well.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. PETTIGREW January 29, 1900, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 2746) to aid the State of South Dakota to support a school of mines, have considered the same and beg leave to report in lieu thereof a bill to aid the public-land States to support schools of mines.

It has been deemed wise by the committee to recommend the enactment of general legislation of this character covering all the public-land States.

The committee respectfully recommends the passage of this bill, for the reason that it will aid in the establishment of institutions of learning in the mineral-land States, where the sciences of chemistry, metallurgy, mineralogy, geology, mining, and mining engineering, and other allied subjects can be taught. In the opinion of the committee it is especially important to do this in the States where the mining operations are practically carried on and where the practical application of this knowledge can be made. The lack of scientific knowledge in the development of our mining resources has been a great hindrance to this industry in the past. While the great universities in the East have taught these allied sciences, nevertheless it has been practically impossible for the youth of the mineral-land States to enjoy these advantages, owing to the great distance these institutions of learning are located from the seat of mining operations.

This bill proposes an expenditure of 50 per cent of the moneys received from the sale of mineral lands in the respective States for the purpose of aiding these institutions, and it is provided therein that such expenditure shall in no case exceed \$12,000 annually; and it is further provided that the several States receiving this expenditure shall also expend a like amount in aid of these institutions. Students coming from other States are given the same privileges in these schools which are accorded to residents of the respective States where they may be located. The advantages of these schools will there-

fore extend to all students, regardless of the States they may come from, who may desire to pursue the study of these sciences.

The committee is of the opinion that it is to the interest of the entire country that such institutions be encouraged, to the end that it may bring about a more intelligent effort to the development of the vast mineral resources of the United States.

Mr. PLATT of Connecticut. I was not in when the bill was read, and therefore I wish to make an inquiry. Is it intended to give every public-land State, whether it has minerals in it or not, the right to establish a school, or only those States which are largely mineral? I suppose, for instance, without speaking by the book, that the State of Nebraska has very little of mineral land, and there are other States. I do not know what the bill provides for.

Mr. TELLER. If the Senator will let me read the first section of the bill, it is as follows:

That each of the public-land States shall annually receive 50 per cent of all moneys paid to the United States for mineral lands within said States, respectively, for the maintenance of a school of mines in each of the said States: *Provided*, That said sum so to be paid shall not exceed the sum of \$12,000 per annum to each State, nor shall it exceed the amount annually expended by each of the said States for said school of mines.

Mr. PLATT of Connecticut. That, then, would only—

Mr. TELLER. It only really applies to mineral lands. I will say that this is a bill which has passed the Senate, I think, in almost the exact terms several times. A Senator near me asks if it applies to iron and coal. As it applies to mineral lands, I think it would apply to coal.

Mr. ALLISON. Where there are public lands now?

Mr. TELLER. Yes; where there are public lands now.

Mr. ALLISON. I do not know what the definition of a public-land State is.

Mr. WOLCOTT. Mr. President—

The PRESIDENT pro tempore. Does the senior Senator from Colorado yield to the junior Senator from Colorado?

Mr. TELLER. Certainly.

Mr. WOLCOTT. I suppose perhaps there ought to be some amendment reciting that the bill is to apply in States where there are now public lands undisposed of.

Mr. TELLER. There is no objection to inserting that. When the bill formerly passed the Senate it was limited, I believe, to Colorado, and it has been enlarged by making it apply to all the States.

Mr. COCKRELL. In section 1, line 8, after the word "each," I move to insert "now having public lands;" so as to read, "to each State now having public lands."

Mr. WOLCOTT. That will do.

Mr. PETTIGREW. Mr. President, I see no necessity for the amendment. There will be no revenue if there are no public lands, and therefore the bill will not apply to a State where there are not public lands to be disposed of. This, I think, is a bill which I introduced for South Dakota, and the Committee on Public Lands amended it by embracing all public-land States. It has passed the Senate, however, several times since 1890.

Mr. STEWART. It refers to the mineral lands of any State. If there are not mineral lands in a State, of course it does not apply.

Mr. PETTIGREW. No; of course not. There is no necessity for the amendment at all.

Mr. PLATT of Connecticut. I trust we will be excused for asking questions. Are there not schools of mines in some of those States now?

Mr. TELLER. I should like to say to the Senator that several of the mineral-land States and States producing precious metals have schools of mines. Colorado has maintained a school of mines and has kept it open for all the world for a great many years and paid the bills herself. While this will give us \$12,000, it will not be a tithe of what we pay every year. We have a school of mines that, in my judgment, is equal to any school of mines in the world for the purposes for which schools of mines are maintained. It is not a very large amount that we are receiving. It seems to me that some of the States that have just started their schools of mines will be very much benefited, and I think it no more than fair that they should have it.

Mr. WOLCOTT. Mr. President, just a word as to the propriety of changing the phraseology. Of course if there are not public lands from which there are revenues, there would be no revenue from the sale of public lands that could be applicable to schools of mines in those States. But it is not a proper designation of a State of this Union to call it a public-land State. You might just as well in a bill say all navigable-river States shall be governed so and so, or all public-building States; you might as well say all coinage-mint States shall have so and so appropriated for them. It is not a proper designation of a State to speak of it as a public-land State. The bill should read, "All States having public lands undisposed of within their borders," or "All States having public lands." Every State has some public land—public land for its public buildings—and that is not a proper designation of a State. As long as we are passing the measure, it seems to me wiser that

we should designate our Commonwealths by States and then limit the conditions by proper designation, and not call our States public-land States. There is not any such thing as public-land States.

Mr. CARTER. Mr. President, independent of the phraseology, the measure is meritorious. The mere matter of phraseology is an inconsiderable matter.

Replying further to the suggestion of the Senator from Connecticut, I will say that the State of Montana has constructed a very commodious building in the city of Butte, near by the leading copper-producing camp of the United States, for a school of mines.

Mr. PLATT of Connecticut. If the Senator will allow me, I think, upon reading the bill carefully, I have no objection to it. It only provides that this sum shall be paid to States where there are schools of mines maintained. I did not so understand it at first.

Mr. CARTER. There is but a small proportion of the actual expenses of conducting the schools that will be paid through the operations of this bill. Only a portion of the sums collected within the States from sales of mineral lands will be given, but it will materially add to the efficiency of the schools. The contribution is analogous to the aid given to agricultural schools in the various States for agricultural development.

Mr. WARREN. Mr. President, it seems to me that if there is to be any amendment, for which I do not see any necessity, all that would be necessary would be to strike out the words "public land" before "State." Then it would read that each State shall annually receive one-half of the proceeds from the mineral lands, etc. I can not see any objection to that, if there is to be any amendment.

Mr. WOLCOTT. That covers it.

The PRESIDENT pro tempore. The Chair is not informed of any pending amendment.

Mr. WARREN. I will not offer it as an amendment if none is considered necessary. It seems to me, however, that what I proposed is the only kind of an amendment that would be needed.

Mr. CARTER. There is no need of an amendment.

Mr. HOAR. I should like to ask the Senator from Colorado if that phrase, whether theoretically liable to his criticism or not, has not got into legislative use?

Mr. WOLCOTT. The phrase "a public-land State?"

Mr. HOAR. Yes.

Mr. WOLCOTT. No; I do not think so.

Mr. HOAR. It is certainly in familiar use. For instance, one of the famous speeches of Charles Sumner is entitled, "Justice to the Land States." That is the title under which the speech passes. Of course it is not like a legislative provision of law, but I have the impression that that phrase has become a common one in our legislation.

Mr. WOLCOTT. But there are many of the States to which that phrase was applicable then to which it would not be applicable now. It was a transitory condition in any event. I would say, "a State having public lands," and I offer that as an amendment, Mr. President.

The PRESIDENT pro tempore. The amendment of the Senator from Colorado will be read. Where shall the amendment come in?

Mr. WOLCOTT. Let the first line of section 1 read: "That all States having public lands shall annually receive 50 per cent," instead of reading "each of the public-land States."

Mr. COCKRELL. That would just be striking out the words "the public land" before "States" and after the word "States" inserting "having public lands."

Mr. WOLCOTT. That will do. I accept the suggestion of the Senator from Missouri.

Mr. COCKRELL. Let that change be made in line 3, and that will end it.

The PRESIDENT pro tempore. The Senator from Colorado accepts the modification of the Senator from Missouri. It will be read.

The SECRETARY. Change line 3 so as to read:

That all States having public lands shall annually receive 50 per cent of all moneys, etc.

Mr. COCKRELL. I thought it was to read "each of the States." Let it go the way it is, though.

The PRESIDENT pro tempore. Is there objection to the amendment?

Mr. PETTIGREW. I do not know that I have any objection to the amendment. The designation of public-land States, however, is one that has been used for a generation as distinguishing those States where the Government disposed of the public domain. Of some of the States, the original thirteen States and some of the others, the area was not public domain. Many of them were not surveyed as we now survey the public lands of the United States. But I can see no harm in the amendment, and I care nothing about it. The Department has designated these States as public-land States in official communications, and

Congress has designated them as public-land States time and time again in laws. Therefore there is no necessity for a departure, but I do not know that there is any harm in a departure in this connection.

I want to say also, in answer to the question of the Senator from Connecticut, that South Dakota has maintained a school of mines for the last sixteen or seventeen years—a very excellent school. Under this bill we can not receive from the Government more money than we expend upon the school. However, we are expending very much more than the amount which this bill will give us, and it will simply enable us to maintain a better school than we have been maintaining.

Mr. CARTER. Mr. President, the language employed in the proposed amendment is scarcely expressive of the thought the Senator has in mind, I apprehend. I presume the amendment contemplates the expression of the idea of States having public lands as being States within whose borders public lands exist. "Having" implies ownership. None of the States own public lands in the common acceptance of the term as used in reference to the public domain of the United States. If "having" public lands implies ownership, then the construction of the phraseology would render the bill inoperative. I presume the better word would be embracing public lands or containing public lands.

Mr. WOLCOTT. That word I certainly would not object to.

Mr. CARTER. Instead of the word "having," then, I suggest that the word "embracing" be inserted.

Mr. WOLCOTT. It is a good word.

The PRESIDENT pro tempore. The Senator from Montana suggests an amendment which will be stated.

The SECRETARY. Amend the amendment by striking out the word "having" and inserting the word "embracing."

Mr. RAWLINS. I move to amend the amendment by striking out the words "public lands" and leaving the section otherwise to stand as it was reported by the committee.

Mr. WOLCOTT. I hope the Senator from Utah will preserve "embracing."

Mr. RAWLINS. That word does not have any fascination for me, because this provision is limited by the subject-matter. "Each of the States shall annually receive 50 per cent of all moneys paid to the United States for mineral land within said States." There is no necessity for talking about States having public lands or public-land States, because that last clause clearly limits the provision.

Mr. COCKRELL. Let it be read.

The PRESIDENT pro tempore. The Secretary will read the first amendment.

The SECRETARY. The first amendment was to strike out after the word "that" the words "each of the public-land States" and insert in lieu the words "all States embracing public lands."

The PRESIDENT pro tempore. The Senator from Utah proposes an amendment to the amendment.

Mr. RAWLINS. If that is in order, it is to strike out the words "public lands."

The SECRETARY. Strike out the words "public lands;" so as to read:

That each of the States shall annually receive 50 per cent, etc.

Mr. COCKRELL. That is right.

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. WOLCOTT. Section 2 of the bill reads:

That before any money shall be paid to each of the said States under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that each of the said States is maintaining a school of mines.

Of course, I do not suppose that has been sanctioned and hal- lowed by long usage so as to convey a more distinct idea than its faulty diction would appear to make it convey. The framer of the bill certainly does not want it to appear that before any money shall be paid to each of the States the Secretary shall be satisfied that each of the States is maintaining a school of mines.

I suggest that as the bill now stands the phraseology would be vague and uncertain, and that it should be amended so that in the first line of section 2 the word "each" be changed to "any," so as to read:

That before any money shall be paid to any State under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that such State is maintaining a school of mines.

The PRESIDENT pro tempore. The Senator from Colorado proposes an amendment, which will be read.

The SECRETARY. On page 1, line 11, section 2, strike out the words "each of the said States" and insert the words "any State," and in line 1, page 2, strike out the word "each" and insert the word "such."

Mr. WOLCOTT. Strike out "each of the said States" and insert "such State," in line 1 on page 2.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. Let it be read as amended.

The PRESIDENT pro tempore. The Secretary will read the clause as amended.

The Secretary read as follows:

SEC. 2. That before any money shall be paid to any State under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that such State is maintaining a school of mines within its borders in which students in attendance are given instruction in chemistry, metallurgy, mineralogy, geology, mining, mining engineering, and so forth.

Mr. HOAR. I desire to suggest to my honorable friend the junior Senator from Colorado that that "and so forth" deserves his attention.

Mr. WOLCOTT. This is another bill, is it not?

Mr. HOAR. It is the same bill. There must be a school which instructs persons in "and so forth," according to the way it was read. Do I understand the Senator to approve that?

Mr. WOLCOTT. If I have interfered at all, it has been with great hesitancy, because it is the special province of the senior Senator from Massachusetts to correct the errors made by the rest of us in grammar, spelling, and punctuation. I only undertook to help this bill because the Senator seemed to be temporarily engaged on other duties; and I will now yield to him and let him fix the bill as he believes it should be arranged.

Mr. PLATT of Connecticut. I do not find the words "and so forth" in the bill anywhere.

Mr. HOAR. It was read at the desk, but it can be read again.

The PRESIDENT pro tempore. The Chair instructed the Secretary that it was unnecessary to read the balance of that entire section.

Mr. HOAR. I beg the Chair's pardon. I understood that that was a part of the bill. It was read as such at the desk. I make no further point.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. The title ought to be amended.

The PRESIDENT pro tempore. The title will be amended in accordance with the phraseology.

The title was amended so as to read: "A bill to aid certain States to support schools of mines."

FORT PEMBINA MILITARY RESERVATION LANDS.

Mr. RAWLINS. Mr. President—

Mr. CULLOM. I was about to make a motion to proceed to the consideration of the Hawaiian bill.

Mr. RAWLINS. Will not the Senator permit one bill to be called up that was passed over in the absence of the Senator from North Dakota [Mr. HANSBROUGH]?

Mr. CULLOM. Will it lead to any discussion?

Mr. RAWLINS. I think not. If it does, I shall not press it.

Mr. CULLOM. I will yield for that purpose.

Mr. RAWLINS. I ask that the bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill has been read at length, and an amendment is pending.

Mr. RAWLINS. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That the right is hereby granted to any State to locate and make selection of public lands within abandoned military or other reservations in such State to satisfy the grants of lands made thereto.

Mr. RAWLINS. There ought to be no objection, it seems to me, to this amendment. Under the different enabling acts—

The PRESIDENT pro tempore. Will the Senator from Utah indicate where in the bill this amendment is to come in?

Mr. RAWLINS. I propose it as an additional section to the bill.

The PRESIDENT pro tempore. The amendment is offered as an additional section.

Mr. HANSBROUGH. I trust the Senator from Utah will not insist upon that amendment. His amendment proposes general legislation. It is not a matter that has been before any committee of the Senate. I assure the Senator that if he will introduce a bill carrying out the provisions of his amendment and send it to the Committee on Public Lands, it will be duly considered there. It will take the usual course of general legislation. It will be sent to the Interior Department for report, and then be considered by the committee. I do not believe that the amendment has any place on this bill.

Mr. RAWLINS. Mr. President, if the Senator from North Dakota will permit, this is a bill which I did introduce at the last session of Congress, which was referred to the Committee on

Public Lands, and not acted upon. I again introduced it on the first or second day of this session, and it has been pending before the Committee on Public Lands, and referred by that committee to a subcommittee. I have conferred with the members of that committee in relation to it, and I have understood from them that there was no objection to it.

I desire simply to state the object of the bill. In interpreting the grants made by Congress to the different States it has been uniformly held by the Land Department, and also in repeated decisions by the Supreme Court of the United States, that land within abandoned military reservations might be subject to selection to satisfy such grants. Recently, within the past three years, there has been a ruling by the Secretary of the Interior to the effect that such lands are not open to those grants.

The object of this bill is solely to remove the difficulty arising from that decision. It continues the practice which has always prevailed in respect of all the States to which Congress has made grants of land. For instance, there is this exception in all the grants, so far as I have been able to ascertain, that lands within Indian reservations and military reservations are not subject to grants made to the State. That is true.

It has never been held that where a reservation has been abandoned, obliterated as a reservation, having no vitality as such, that those lands came within the exception as to the grant. Recently it has been held that that is so. The object of this provision is to remove that difficulty; and I trust the Senator from North Dakota will not object. The Senator from Minnesota [Mr. DAVIS] and other Senators have had occasion to investigate the subject. The provision I have offered is simply to continue the practice to the uniform ruling of the courts relating to the practice of the Land Department ever since the Government has existed until within the last two years.

Mr. HANSBROUGH. I shall be obliged to object to or to oppose the amendment until the Committee on Public Lands can secure a report from the Interior Department on this subject-matter. I have no doubt that if the Interior Department shall be requested to give us a report, it will send to the committee and to the Senate all the facts which the Senator from Utah refers to, and then we may act upon the proposition intelligently.

I hope the amendment will be voted down.

Mr. RAWLINS. Then I ask that the whole matter go over. Here is a special bill making a grant of an existing reservation, and certainly if an abandoned reservation should not be reserved, an existing reservation should not.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

JAMES H. WATERS.

Mr. CULLOM. I will withhold my request for a few minutes to proceed to the consideration of the Hawaiian bill, for the reason that there is objection to going on with the bill until the Senator from Alabama [Mr. MORGAN] is in his seat.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 28) to remove the charge of desertion from the military record of James H. Waters.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion from the military record of James H. Waters, late of Company D, Sixteenth Regiment Massachusetts Volunteer Infantry, and to grant him an honorable discharge to date the 8th of December, 1862; but that no pay, bounty, or other emolument shall become due or payable by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL COMMISSIONER FOR INDIAN TERRITORY.

Mr. PLATT of Connecticut. I ask unanimous consent for the present consideration of Senate bill 3018, which is a local bill reported from the Committee on the Judiciary, and there seems to be some necessity for its immediate passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent to call up for present consideration the bill (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River. The bill is very urgently required.

Mr. COCKRELL. What is the number on the Calendar?

Mr. PENROSE. It is Order of Business No. 117, a bill reported by the Committee on Commerce by the Senator from Missouri [Mr. VEST], which has already passed the House of Representatives.

The PRESIDENT pro tempore. The bill was heretofore passed over without prejudice.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOOL OF FORESTRY IN NORTH DAKOTA.

Mr. COCKRELL. Regular order, Mr. President.

The PRESIDENT pro tempore. The next bill on the Calendar in regular order will be stated.

The bill (S. 153) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Let a part of the report on that bill be read.

The PRESIDENT pro tempore. The report will be read.

Mr. HANSBROUGH. Yes; let the report be read. I think there will then be no objection to the bill.

The Secretary read from the report submitted by Mr. HANSBROUGH January 30, 1900, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 153) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry, have had the same under consideration, and beg leave to report it back with the recommendation that it do pass.

By the act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States (chap. 180, 25 Stat. L.), there were granted to the State of North Dakota, in addition to other lands, 170,000 acres for apportionment for such other educational and charitable purposes other than those therein named. These lands, by a provision in the constitution of North Dakota, were divided as follows: Twenty thousand acres to the hospital for the insane, 40,000 acres for the Soldiers' Home, 30,000 acres for a blind asylum, 40,000 acres for industrial and school of manual training, 40,000 acres for a scientific school. This exhausted the grant of 170,000 acres and left nothing for the school of forestry, which by the same constitutional provision was to be located at some point in McHenry, Ward, Bottineau, or Rolette counties as might be determined upon by an election to be held for that purpose. At the election held Bottineau, Bottineau County, was selected.

Your committee does not deem it necessary to expatiate on the necessity of the encouragement of schools of forestry and the advantages to be derived from the proper knowledge of tree culture in prairie States, in which the proper planting and cultivation of trees means so much to the development of the country. Much has been done by the Division of Forestry, in the Agricultural Department, and still more can be done by the encouragement of institutions such as that located at Bottineau.

Mr. COCKRELL. I should like to have the Senator make an explanation regarding the first part of this report. It is there stated that—

There were granted to the State of North Dakota, in addition to other lands, 170,000 acres for apportionment for such other educational and charitable purposes other than those therein named.

Then the memorial of the general assembly of North Dakota says:

Whereas the Congress of the United States, in the passage of the enabling act aforesaid, granted to the State of South Dakota 120,000 acres of land for the use and support of an agricultural college in said State.

Mr. HANSBROUGH. That refers to the State of South Dakota. The memorial of the State of North Dakota recites the facts substantially which have been read and are contained in the report of the committee. The 170,000 acres that were appropriated have been divided as stated in that report—40,000 acres to the Soldiers' Home, 30,000 acres to the blind asylum, and so on, leaving nothing for the school of forestry, which is provided for in the constitution of the State.

Mr. GALLINGER. Before this bill is acted upon, I want to call the attention of the Senator from North Dakota to the fact that I am receiving letters—I have one now in my hand, and have had others during the last few weeks—entering very solemn protests against these donations of public lands to the States. These letters come from labor organizations, and I think they reflect the resolution which was passed in Chicago by the Federation of Labor.

I know very little about this matter, as we are not much interested in this subject in New England; but I should like to ask the Senator from North Dakota whether, in his opinion, the objections which are made are well grounded or not; whether there is danger of our continuing to give away the public lands to the detriment, as these men say, of actual settlers and home builders? If that should be the fact, I think it is a bad form of legislation and that we ought to call a halt to it. I do not, however, raise any objection to the bill beyond simply asking for information.

Mr. HANSBROUGH. I doubt if the Federation of Labor, which has communicated with the Senator from New Hampshire on this subject, knows quite as much about the public-land question as those who have had to deal with that subject. I do not believe that the appropriation of these lands for the purpose indicated would injure the public-land policy of this country or be a great detriment to settlers or proposed settlers or intending settlers in any part of the country; on the contrary, I think the establishment of schools of forestry and the planting of trees in the prairie States would greatly enhance the value of the lands which

have been taken and those which are yet to be taken. I know that would be so in the case of North Dakota.

Mr. WARREN. Mr. President—

Mr. COCKRELL. If the Senator from Wyoming will permit me, I was reading, when interrupted a moment ago, a clause in the memorial of the general assembly of North Dakota, as follows:

Whereas the Congress of the United States, in the passage of the enabling act aforesaid, granted to the State of South Dakota 120,000 acres of land for the use and support of an agricultural college in said State, and granted to the State of North Dakota for the same purpose only 90,000 acres of land.

Were these 90,000 acres of land in addition to the 170,000 acres, or were they a part of the 170,000 acres? The report says there were 170,000 acres granted to North Dakota, and this memorial says only 90,000.

Mr. HANSBROUGH. I am not responsible for the memorial, but I am responsible for the report of the committee, and the facts contained in the report of the committee have been taken from the record. North Dakota got but 90,000 acres for its agricultural college, while South Dakota got 120,000. The appropriation of 30,000 for a school of forestry in North Dakota would put us on an even footing with South Dakota as to lands granted for agricultural college purposes, although the school of forestry is entirely a separate institution.

Mr. CULLOM. I only want to say a word. I am not familiar with the provisions of this bill—

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WARREN] was recognized before the Senator from Illinois [Mr. CULLOM] rose.

Mr. CULLOM. I beg pardon. I was not aware of that.

Mr. WARREN. If the Senator from Illinois will wait a moment perhaps I may cover the ground he was intending to inquire about, as I had the floor.

Mr. CULLOM. I did not know that.

Mr. WARREN. The Senator from New Hampshire [Mr. GALLINGER] has referred to a letter from the Federation of Labor. I desire to say that I have had such letters, and, in fact, petitions, but they do not refer, in my judgment, to a matter of this kind in even the remotest degree.

Mr. CULLOM. Those I have received, if the Senator will allow me a moment, have been protests against turning over the public lands of the country to the States. Those appealing to me seem to feel that if those lands get into the hands of the States the opportunity for homesteads will have been cut off, and their appeal is that the lands shall be given for homesteads to the people, instead of given to the States or disposed of in any other way.

Mr. WARREN. What the Senator from Illinois has said is true in part, but the communications which I have received referring to this subject refer more particularly to the proposition of leasing all of the public lands or of ceding such lands to the States.

It will be remembered that two Departments of the Government have in their reports recommended the leasing of all public lands. I had occasion recently to look up all these State grants of land, and I found that the grant in North Dakota was less than half the amount which Congress has granted to a State admitted to the Union since North Dakota was admitted. I found in the State which I have the honor in part to represent here that the Government still owns to-day nearly 90 per cent of all the lands within the State.

While the amount stated in this bill under consideration may seem large to a man who has but a garden patch, it is a mere spot on the map compared with the amount of land which still remains in that State. Every donation of land for such a purpose as this is sought to be used for will enhance in value the Government lands which remain two or three or perhaps ten times as much as the value of these donated lands taken from the public domain would be worth. I do not think any other distributions of the land as wisely made as the granting of such comparatively small amounts as these for such purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORY OF HAWAII.

Mr. CULLOM. I ask unanimous consent that the bill relating to the Territory of Hawaii may be taken up.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Senate proceed to the consideration of the bill named by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The question before the Senate is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

Mr. TELLER. What is the amendment? I think it perhaps should be stated.

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. It is proposed to amend section 81, on page 35, as follows: In line 22, before the word "shall," to strike out "governor" and insert "President;" in line 23, after the word "senate," to strike out "of the Territory of Hawaii;" in line 25, after the word "courts," to insert "and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint;" in line 11, on page 36, after the word "may" and before the word "remove," to insert "by and with the advice and consent of the senate of the Territory of Hawaii;" in line 16, after the word "removed," to strike out:

Except the chief justice and justices of the supreme court, who shall hold office during good behavior, and the judges of the circuit courts, whose terms of office shall be six years, and;

and on page 37, after the word "provided," at the end of line 12, to strike out:

Except the chief justice and associate justices of the supreme court and the judges of the circuit courts, who shall continue in office until their respective offices become vacant;

so that, if amended as proposed, the section would read:

SEC. 81. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioners of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such offices become vacant, but not beyond the end of the first session of the senate, unless reappointed as herein provided.

Mr. TELLER. It is rather difficult to understand what all those amendments are as they have been read from the desk.

Mr. CULLOM. Will the Senator allow me to make a suggestion?

Mr. TELLER. Yes.

Mr. CULLOM. I think the substance of the amendments, which are scattered through a page or two, amounts to about this: The present bill reported by the committee provides that the judges of the supreme court and the circuit courts of the Territory shall be appointed by the governor and confirmed by the legislature of the Territory and paid by the Territory. Now, the substance of the proposed amendment is that the judges shall be appointed by the President and confirmed by the Senate of the United States; and I suppose, according to the usual theory, the United States would pay their salaries instead of the Territory of Hawaii.

Mr. MORGAN. And it reduces the term of office to four years.

Mr. CULLOM. Yes; and reduces the term of office to four years of all of the judges. That is the substance of the proposed amendment, as I understand.

Mr. TELLER. The amendment proposing to strike out the word "governor" would at least put the section in harmony with previous legislation. Of course, this is a departure from the old legislation respecting Territories. I must say that I think we ought to be very careful in framing legislation of this character. It occurs to me it would be an improvement on the system to allow the governor to make the appointments, because you would then get a little nearer to the people than you do with the President making them.

The President has, I believe, in all cases, so far as I recollect, appointed the judges of the Territories. Every man who has lived in a Territory for any length of time knows that there have been very gross abuses of that power. I believe it is impossible to give that power to the President without such abuses occurring, for the reason that he is so far away from the people who are to be served by the judges, that there is such a universal desire to get office in this country, and that so many people who succeed in obtaining such places are totally incompetent. I believe it would be better to leave the appointing power to the governor, who, I suppose—I do not know—is to be a citizen of the Territory. I do not know whether there is such a provision in the bill or not; but if it is not there, it ought to be.

Mr. CULLOM. The provision of the bill is simply that the gov-

ernor shall be a resident, and I suppose that will probably be construed to mean a resident during his term of service.

Mr. PLATT of Connecticut. "Shall reside in."

Mr. CULLOM. "Shall reside in" is the expression.

Mr. TELLER. A man could not very well act as judge in a Territory without residing in the Territory.

Mr. CULLOM. If the Senator will allow me—of course if the appointment is left to the governor of the Territory, I should assume that the governor would select men in the Territory for the places.

Mr. TELLER. There ought to be a provision in this bill that the governor—I know that raises a very ugly question as to whether we can limit the power of the President—but there ought to be a provision, which, I think, if it were in here, would at least be persuasive on the President, if not mandatory, to select the governor from inhabitants of the Territory. I am not clear but what we have a right to do that. The governor ought to be so selected, because in this case there is a different condition existing there from that which has existed in any other Territory we have ever organized.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. SPOONER. I suppose there is no doubt that Congress may prescribe the qualifications of eligibility which may be necessary for the appointee. Congress can not require the President to appoint any particular man or can not dictate to him whom he shall appoint; but I suppose it would be competent for Congress to say that the governor should be a resident of the islands.

Mr. TELLER. I should think so.

Mr. COCKRELL. There is no question about that.

Mr. TELLER. But I have heard that disputed so often that I did not care to bring it up and make the assertion, as I was not prepared to go on and discuss it. At all events, the governor ought to be selected from the people of that Territory, and the judges ought to be selected from the Territory.

As I was saying when interrupted, the condition existing in Hawaii is entirely different from what existed when most of the Territories, in fact, I may say all the Territories, were heretofore organized. The organization of a Territory usually occurs when there are very few people in it, and some Territories have been almost without a population. Here is a stable and established community with a government which has existed for more than fifty years. The people have had the privilege of self-government for several years under a republican administration, and enjoyed a good deal of freedom under a monarchical administration. All of the people there may not be fit for participation in the government; but certainly there is a sufficient number to insure an absolutely safe and stable government, as good as there can be in any of the ordinary communities of no greater number than there are in Hawaii. I believe it will be better to leave that provision just where it is in the bill, and let the President appoint the governor, if that is the policy, although I should like very much better myself to see the provision that the people there should have the right to elect their governor.

I see no difficulty in giving to these people a constitution. That would not create a State. I would let the people of the Hawaiian Islands create their own organic act and arrange their affairs just as they want them.

Here is a people that, if they were in sufficient numbers, we would not hesitate, unless we were frightened at the fact that there was no contiguity between their territory and that of the United States, that they did not touch each other—

Mr. TILLMAN. Will the Senator from Colorado allow me?

Mr. TELLER. Wait a moment until I get through with my sentence.

Unless that was the case, we should be very willing to take in the Territory of Hawaii as a State. I do not know that it will ever be a State; but if there should be two or three hundred thousand people, such a population as we are going to admit to the franchise, I should be in favor of taking them in as a State.

Now I will hear the Senator from South Carolina.

Mr. TILLMAN. I will call the Senator's attention to the first section of this bill, in which the declaration is made:

That the phrase "the laws of Hawaii," as used in this act without qualifying words, shall mean the constitution and laws of the republic of Hawaii.

And that the proposition which the Senator has just made, that they ought to be allowed to make a constitution, is already provided for, except that the constitution which is given them under this act, if we shall pass it, is a constitution in which only about 2,600 men had any part in making; whereas if you want to give a republican government there, one which will embrace within its provisions the will of the people who will be allowed to vote under this bill, then you would have to call a constitutional convention and allow the electors, limited to those who can read and write, to enact a constitution for themselves.

Mr. TELLER. Well, Mr. President, I know the difficulties of those people having such a constitution as we would favor.

Mr. TILLMAN. And yet they are having a constitution.

Mr. TELLER. But to a large extent we are modifying it or repealing it. I should have liked to see a provision here—and that is all we need to have done—to let the people assemble in convention and create a constitution of their own. I should then have been in favor of enlarging the suffrage in that community; but I am very much opposed to restrictions except where they are absolutely necessary.

Mr. MORGAN. I wish to correct the impression of the Senator from South Carolina about the constitution. This bill does not give Hawaii a constitution.

Mr. TELLER. No; I know it does not.

Mr. MORGAN. It wipes it out entirely; and the words to which the Senator from South Carolina refers are merely descriptive words to show the changes made in the statutes of Hawaii.

Mr. TELLER. I was about to say that we have repealed the constitution and almost all the laws, and we are to reenact them here to some extent.

Mr. MORGAN. Yes.

Mr. TELLER. I would not be willing to apply to those people provisions I would be willing to apply to some of the other new possession we have acquired. We acquired those islands in fee by arrangement with the people. We are under some obligations to them that we are not under to some other people, whether it be the people of Puerto Rico or the Philippines. I want to give those people just as much self-control, self-government, control over their affairs as is possible, and I believe it is in our power to give them absolute control over their affairs, if we see fit, except, of course, the general laws that govern States as to import duties, etc., would have to prevail there. For that reason we had better leave this provision in here and let the governor appoint the judges.

I have had some experience in a Territory, and I have seen, with the best of intention on the part of the President, very vicious and bad men appointed to places of that character. Once appointed, we always found it almost impossible to get them out. We might make just as many representations as we chose to the executive department, but the people who had secured their appointments always had more strength than we had, and we suffered immensely. Every Senator here who has lived in a Territory will bear me out. One of the great evils in Territorial life has been that we were not in condition either to designate our men or to get rid of them when they turned out to be bad. Is not that true?

Mr. PLATT of Connecticut. Mr. President, I am not able today to speak at any particular length or with any particular vigor, on account of my health, but my reason for thinking it is better that the judges should be appointed by the President of the United States is, I believe, a reason which grows out of my desire that what we do here shall be best for the people of Hawaii. I believe it is much better for the people of those islands that the appointing power of the judges should reside in the President, rather than reside in the governor of the islands. I agree quite with all the Senator from Colorado says, and I suppose there are competent persons there for judges, although my attention has been called to some very remarkable decisions which have been made from time to time by the judges of those courts. But I suppose there are plenty of persons there competent to be judges. The difficulty in Hawaii is this: There is a small governing population and a large population that as time goes on will not like the government of the limited number of people who participate in and who control it.

The people of Hawaii and the people of the United States might as well look ahead a little and see what is coming, for in coming under the American flag there will develop in Hawaii American politics, with all its evils and all its benefits. They have never yet had political parties in Hawaii; that is, among the people who are now to take control of the government and whom it is hoped will maintain and continue their control of that government. They have been one party. They have, of course, been bound together in resisting the monarchy and in establishing a new republic. That binds them together. But when they become a Territory, there will be plenty of politics in that Territory, and among this small class of American citizenship. There will be the rich man in politics in that Territory, seeking to control elections and to control legislatures and to control governors. There will be the adventurer and the ward heeler in politics there, seeking to do the same thing, and as time goes on it will be a miracle practically if those people who are now in control of the government, and who, it is hoped, will continue to control the government, shall succeed in keeping out corruption and keeping out self-seeking and keeping out impure politics.

Now, it is inevitable, Mr. President, that the American citizens there are going to divide politically; that when divided into two parties or more, each wing will seek, by appeals to the Hawaiian citizenship and the Portuguese citizenship, to carry their point; and while no man can set himself up to be a prophet, to my mind the grave danger in Hawaii is to come just in that way. While

we admit that the people now in control—President Dole and the judges—are men of high character, the time is coming when the judges, if left to the appointment of a governor there, will not be of the same high character that they are now; and it is because I want to protect the people of Hawaii against themselves and against the class of people who I think will finally get in control of the politics of the islands that I want to retain a little control over the islands in the hands of the President of the United States. I may be entirely mistaken about this, Mr. President, but I hear American citizens from Hawaii now talking about the "Dole gang." They have got that far in Hawaii, at least, in politics. They talk about the party in power and the president and those who sympathize with him as a gang. They have learned some of the political slang of the United States, to say the least. I believe it better for the people of Hawaii, more for their protection, more for their future interest, that they shall have something to rely upon besides themselves.

I would agree with the Senator from Colorado [Mr. TELLER] if that entire citizenship was like the citizenship of the Americans, the Germans, and the English people there. I would then be entirely willing to give them what would amount to practical self-government, retaining only the sovereignty of the United States over them and the ultimate power which we should exercise only under circumstances of the greatest necessity to regulate their affairs. I believe that to be entirely consistent with the doctrine of our Constitution and with the Declaration of Independence. I believe self-government in Hawaii or Puerto Rico or the Philippines, or any other possession which we may acquire, when the people are fitted for it, is entirely consistent with our sovereignty, as consistent with our sovereignty as the exercise of self-government in the States of the Union. There would be no more reason, if the people of Hawaii and Puerto Rico and the Philippines were well fitted to carry on self-government, to say that they are still vassals and subjects than there is now for saying that the people of our States are vassals and subjects. They have to submit to the sovereignty of the United States, and they have in many things to be controlled by the United States Government.

However, I did not rise for the purpose of making any extended remarks, for I am not equal to it to-day, but simply for the purpose of saying that I believe it is better for the people of Hawaii themselves that they shall be protected against the evils which I think are surely coming upon that people. It is a great experiment that they and we are entering upon, and it is well for them and for us that some power should still be retained and reside in the United States Government. If my fears should turn out to be unfounded, if it should turn out in the future that everything was harmonious there, that the citizenship there became homogeneous and harmonious, and that these dangers which I think I can see are only imaginary, it will be time enough then to give them larger power.

But, Mr. President, I want once more to revert to the fact that this bill contemplates that the government of those islands is to be dominated by 4,000 people out of a hundred and fifty thousand, and that it will be almost impossible to continue that state of affairs.

Mr. CULLOM. If the Senator will allow me, I hope that the developments by trial in that Territory will be such that it will not be very long, certainly not many years, before more power can be placed in the hands of the people than the bill proposes, and I shall certainly hope that the time will very soon come when the elective franchise can be granted safely to the great body of the people of that Territory.

Mr. PLATT of Connecticut. It would be very difficult to frame a bill in which more power would be given to the people of that Territory than is given in this bill. Of course, we could allow them to elect their own governor and their own secretary of state, but with that exception this bill gives all the power that can be given to them, and arbitrary power at that.

Mr. CULLOM. I referred more to the voting power, the legislature, and that sort of thing, than to any other point.

Mr. PLATT of Connecticut. If that time shall come, then it will be quite time enough, it seems to me, to extend to them these remarkable and extraordinary powers, such as we have not extended to any people wherever we have organized a Territory.

Now, it is said that this is an entirely different case from the ordinary organization of a Territory; that ordinarily we have organized a Territory over large areas of land, sparsely settled. That is true. It is said that here we have an established government, which has been in existence for three or four years, rescued from the queen and from monarchical institutions. That is true. But Senators overlook the fact that wherever we have organized a Territory heretofore we have organized it with its entire population, whether sparsely occupying the country or not, drawn from the older States of the Union, where they had been in the habit of participating in State governments, where education had reached its highest development. Mr. President, we organized

the Territory of Wyoming a little while ago, and we were told that the proportion of illiteracy in it when we organized it as a Territory was less than in many and perhaps less than in any of the States of the Union.

Mr. CULLOM. The same fact exists with reference to this Territory.

Mr. CAFFERY. Will the Senator from Connecticut allow me? The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Louisiana?

Mr. PLATT of Connecticut. I want to say one word in reply to the Senator from Illinois. Nearly half of the population there are Chinamen and Japanese.

Mr. CULLOM. Not of the voters.

Mr. PLATT of Connecticut. Then the observation which the Senator made does not apply to all the people inhabiting the Territory.

Mr. CAFFERY. I will inquire of the Senator from Connecticut whether, if literacy is a qualification for citizenship, the Kanakas, the original inhabitants of Hawaii, are not entitled to the privileges of American citizenship, for I am told, and I think I have seen it stated, that 100 per cent of them can read and write.

Mr. CLARK of Wyoming. Pretty nearly.

Mr. CULLOM. It is true that the records show that so far as the Hawaiian population are concerned, nearly all of them read and write in the Hawaiian or English language.

The PRESIDENT pro tempore. The Senator from Illinois has not been recognized by the Chair.

Mr. CULLOM. Excuse me, Mr. President.

Mr. PLATT of Connecticut. I was answering what had been said, that we could more safely intrust the entire management of affairs to the people of that Territory than we could intrust them to the people of the territory northwest of the Ohio River and the territory acquired from Louisiana, out of which so many States have been made. I do not think so, because, as I say, half that population, practically, are either Chinese or Japanese. If I remember the figures, 26,000 more are Portuguese.

Mr. TILLMAN. I will give the Senator from Connecticut the figures, if he will permit me.

The PRESIDENT pro tempore. The Chair has not recognized the Senator from South Carolina.

Mr. TILLMAN. Will the Senator from Connecticut permit me? The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. PLATT of Connecticut. I will.

Mr. TILLMAN. Mr. President, I will take occasion to notify you every time you allow any other Senator to do the same thing. I shall not have one rule apply to me and not have it apply to others.

Mr. CULLOM. Mr. President, if the Chair will recognize me, I was called to order myself a moment ago, and I apologized to the Chair for violating the rule.

Mr. TILLMAN. I am perfectly willing to be called to order if the Chair will apply the rule impartially. I have no objection in the world to abiding by the rules of the Senate, and I will do it and always do it; but in the latitude of debate we have not observed the rule, and I will not allow the Chair, if he will permit me to speak so impudently, to apply one rule to me and to apply another rule to other Senators.

Mr. SPOONER. It is only fair to the Chair to say that in the last month he has repeatedly called attention of Senators to that rule. He has called my attention to it when I have violated it.

Mr. TILLMAN. I am not at all nettled with the Chair. I am rather amused. I think the Chair was rather inclined to have a little fun at my expense, as he did the other day. I have not the slightest ruffling of feeling on that score at all.

Mr. SPOONER. I think every Senator here must see, and that is the theory of the rule, that it is essential to proper debate that the rule shall be enforced.

Mr. TILLMAN. I recognize it and do not dispute it.

Mr. SPOONER. It is necessary to proper order in debate.

Mr. TILLMAN. I do not dispute the necessity of its enforcement in the interest of orderly debate. I simply insist that it shall not apply to me only.

The figures, if the Senator from Connecticut will permit me, taken from the report of the Hawaiian Commission, are: Hawaiians and mixed bloods, 39,000; Japanese, 25,000; Chinese, 21,500; Portuguese, 15,000; Americans, 4,000; British, 2,250; Germans and other Europeans, 2,000; Polynesians and miscellaneous, 1,250, and, as we have repeated evidence, there have been 25,000 additional Japanese contract laborers imported since, so that the total number of Japanese and Chinese would be 71,000, or thereabouts—more than half.

Mr. PLATT of Connecticut. It would be about half.

To resume what I was saying, Mr. President, there is an entirely different condition of population, of citizenship, from that which has ever existed in any Territory which we have ever organized in the United States, and it makes it very much more dangerous to

allow absolute control in those islands without any restraint to be exercised from what may be called the home Government of the United States. In the Northwest Territory, and I venture to say in the Territories of Wisconsin and Colorado and Minnesota and Dakota, and all those Territories, when a Territorial government was organized, although there may have been but few people there, they were all of them American citizens who had participated in the privileges and duties and responsibilities of American citizenship. If we thought it was wise to limit them in the power which was committed to their hands, it seems to me, as I said the other day, it is much wiser to retain some power in the hands of the President and Congress where we have such a mixed, and, I fear, dangerous population politically to deal with, and where, it seems to me, the gravest questions are likely to arise.

Mr. President, among those 4,000 American citizens there have grown up a class of wealthy men. They talk about millions out there just as they talk about it in some of the Western States. A man with a million or two is not to be considered a wealthy man at all. There are multi-millionaires in Hawaii, and if there is any truth in what is said about corporate influence controlling legislation, there is the spot for it to be exercised and to control legislation and the courts. If there is any danger in the United States of corporate influence controlling legislatures and the judiciary, that danger is multiplied ten times in Hawaii; and I do think that, with all our experience in the appointment of judges for Territories—some of it has been bad, but upon the whole it has been good—we may safely believe that the judges to be appointed by the President of the United States would be as able men and less likely to be controlled by any improper influences in the islands of Hawaii than if appointed by a governor whom the President should appoint. Are we going to get any better judges by letting the appointing power be diluted through the governor whom the President shall appoint than if the judges are appointed directly by the President himself?

And so, Mr. President, notwithstanding this discussion, I still hold to my belief that it is better for the people of Hawaii that the judges should be appointed by the President, and I think I am permitted to say that that is coming, to some extent at least, to be the prevailing sentiment of the people of Hawaii, if their representatives here truly represent the people there. While at first they thought it best to preserve the judiciary as it was, the appointing power to be in the hands of the governor, and a life term or a long term, in view of these grave questions that are ahead of them, they believe it is better that the power should reside in the President of the United States.

Something was said yesterday to the effect that we must provide for the payment of the salaries of these judges if we appoint them. That is true. And my belief is so strong that it is necessary that this power should be retained in the hands of the President and in the control of Congress that I would be entirely willing to assume on the part of the Government the payment of their salaries and all the expenses of the courts. I have been wondering a little who is going to pay the expenses of this Territory under the pending bill. All that the bill specifically provides is that we shall pay the salaries of the governor and the secretary and the Federal judge, as he is called, and the marshal and the district attorney. I suppose it intends to carry the idea that the people of Hawaii are going to pay all the rest of the expenses of running that Territory. But there is nothing in the bill that provides for it. It is left open. One does not need to be gifted with any great prevision to see that only at the next session of Congress they will come here asking for appropriations to carry on their Territorial government as other Territories are appropriated for.

Mr. MORGAN. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Connecticut yield to the Senator from Alabama?

Mr. PLATT of Connecticut. Yes, sir.

Mr. MORGAN. I suggest to the Senator from Connecticut that the tax laws of Hawaii are preserved in this bill.

Mr. PLATT of Connecticut. I was coming to that.

Mr. MORGAN. Various other revenues are provided for; and they are quite ample to sustain the government under the provisions of this bill.

Mr. PLATT of Connecticut. I was coming to that. It will not be many years before they will want to relieve themselves of their local tax laws and the burdens of local taxation and have the Government pay for the Territory of Hawaii the same as they pay for other Territories.

Mr. MORGAN. Will the Senator from Connecticut point out now any ground for that suspicion which he has just expressed?

Mr. PLATT of Connecticut. I think I will. We propose in this bill to make the ports there ports of the United States and extend our customs laws there. We are, therefore, to collect on all goods imported there from foreign ports the same duties that we collect in our home ports. We are to put that in the Treasury of the United States. Then we extend our internal-revenue laws there, and we are going to call upon them to pay all the internal-revenue

taxes which we pay here in the States; and we put that in the Treasury of the United States.

Mr. President, it will not be one year's time, if this Territory is admitted, before we shall be told by the people of Hawaii that it is not fair to appropriate the customs duties which are paid out through custom-houses and the internal-revenue taxes which are collected by an internal-revenue collector stationed there, and put them into our own Treasury, and make them pay all, or practically all, of the expenses of running the government.

Mr. CLARK of Wyoming. Will the Senator from Connecticut allow me to ask him a question?

Mr. PLATT of Connecticut. Certainly.

Mr. CLARK of Wyoming. Would not that be a just contention, in the view of the Senator?

Mr. PLATT of Connecticut. Mr. President, I do not see upon what principle we propose to make the people of Hawaii tax themselves for the support of the government which we give them here and tax them for the support of our Government. I do not see on what principle that is done. There are a great many things in these laws that we do not—

Mr. TILLMAN. Mr. President—

Mr. PLATT of Connecticut. Will the Senator from South Carolina excuse me for a moment? If this bill passes, we are going to have two systems of internal-revenue taxation in Hawaii. Take the part of the bill which repeals the sections in the chapters referred to in the bill; that does not repeal the chapter about stamp duties, and here we have a schedule of stamp duties in Hawaii, the same as we have a schedule of stamp duties under our internal-revenue taxation, and they are both to go side by side in Hawaii.

No, Mr. President, we can not hug to ourselves the delusion that we can make those people pay internal-revenue taxes into our Treasury and turn into our Treasury all the customs duties that are collected there and not expect them to come here to Congress and ask that we should at least appropriate that amount of money toward the support of their Territory, that we should at least relieve them from the burdens of taxation to that extent. So I think this question that we shall have to provide for the salaries of the judges, if they are appointed by the President, and for the expenses of the courts need not alarm us at all.

Mr. TILLMAN. Mr. President, I should like to ask the Senator from Connecticut before he takes his seat, as he has been discussing that phase of the subject, whether or not the Federal relations, so to speak, between Hawaii and the United States are any different from those which exist between the United States and South Carolina other than that one is a Territory and the other is a State? Is it not a fact that we send the mail to those people and distribute it at the expense of the Federal Government through postage stamps?

Mr. PLATT of Connecticut. No; as I understand—

Mr. TILLMAN. Do they have their own individual postallows?

Mr. PLATT of Connecticut. I understand that they do and that those laws are recognized in this bill.

Mr. CULLOM. Their postal system passes under the United States laws, if the Senator will excuse me.

Mr. TILLMAN. Then, with the permission of the Senator from Connecticut—or, rather, I believe I have the floor—I would ask, is Hawaii in the United States or is it not; and if not, why not?

Mr. CULLOM. It will be when this bill passes.

Mr. TILLMAN. If it was in the United States when we annexed it by joint resolution and extended the Constitution over it, and if it has a postal system of its own and is going to have a revenue-tax system of its own, why did we bother with it anyway?

But, to come back down to the other question, I want to ask the Senator if there is not a very considerable expense by the Federal Government which has not been broached here, and that is the maintenance of a military post there for the protection of this little handful of 7,000 white men against the Chinese, Japanese, Portuguese, and Kanakas, and others who are dissatisfied with the government now given them?

Mr. PLATT of Connecticut. I do not know about that, Mr. President.

Mr. TILLMAN. I think the Senator can very easily refresh his memory, if he will, by finding out that our troops were there before we annexed the islands, and are there now, and will be there and are likely to be there for all time.

Mr. PLATT of Connecticut. There is nothing in the bill about it.

Mr. TILLMAN. There is nothing in the bill about it, of course, but it is a Federal expenditure. We are spending money to maintain those soldiers there for the protection of life and property. I do not believe in the principle of having people taxed and having the money spent elsewhere, because that is the kind of a thing that has been going on in my part of the country so long that we have got used to it and quit crying or complaining.

Take the expenditures of the Federal Government at an average of \$500,000,000 a year, make all due allowances for our poverty

and other things, and we pay at least \$100,000,000 of that amount. How much is spent among us? This subject is entirely foreign to the subject of debate, but then, if Hawaii is to have a special claim upon the little amount of Federal taxation of imports and revenue stamps and other sources of Federal income there, and we are to give it to her, I want to ask you upon what basis of equality or equity or justice you would attempt to do it?

The Senator, of course, knows that he has merely presented a supposititious question as to what is coming, and is arguing against allowing the Hawaiian people to be turned over to the oligarchy which we all acknowledge exists there and which is being perpetuated by this bill. We seek to give some measure of protection by supreme judges and other judges appointed by the President, supposed to be an impartial man, who wants to have good, clean, honest judges, and not put those judges in the power of the governor, even though the governor be appointed by the President, and let the governor be the head, the judges his tools and underlings, obliged to obey his orders or they will not be reappointed, and the whole machine to be an autocracy greater than that of Russia. I sympathize with the Senator from Connecticut in the effort to protect these people from any such deplorable condition as that.

Now, Mr. President, as I have the floor, I will go on to take up some other phases of the subject, because while I did not intend to speak on this bill, and have not given the subject any great amount of examination, and have contented myself with an occasional inquiry or a suggestion as I sat in my seat here and listened to the debate and the amendments that have been offered, I have felt so indignant at the treatment I received the other afternoon from the Senator from Alabama [Mr. MORGAN] that I have investigated it a little more fully, and I want to point out some of the enormities and outrages that are being perpetrated in this very act, or have been attempted to be perpetrated, and to call the attention of the Senate to certain phases of the question that no one has alluded to heretofore.

Before I leave that question, the Senator from Alabama—

Mr. MORGAN. I wish to say—

Mr. TILLMAN. Mr. President, I decline to yield to the Senator from Alabama. He has put himself outside of the pale of courtesy so far as I am concerned. He can take all the time he pleases after I get through. I will say further, as an explanation of that to those who were not present, that the reason why I feel thus is that it is the second time since I have been a member of this body that I have been treated with indignity and discourtesy and rudeness by the Senator. While he is an old and honored member here, and a man who is worthy of our admiration in a great many respects, I contend that he has not been as courteous and observant as he should have been of the amenities of debate and the politeness due from one member of this body to another.

Now, the reason why I say this is because the other afternoon, in a perfectly good spirit, without any malice against anyone, merely for the purpose of inquiry and enlightenment, to get the subject fairly before the Senate, I asked the Senator some questions and—well, he waved me aside with a kind of a sneer that that was about all I knew concerning it, and that I knew so little about it I was not worthy of consideration. Then later on he permitted the Senator from Colorado [Mr. WOLCOTT] to "make a suggestion," in which there was an assault—a direct, positive assault—upon my State. Very naturally, I rose after the Senator from Colorado got through and asked permission to explain—simply to explain. What was the action of the Senator from Alabama? He simply said, "No; I can not permit it; take some other time." It is the first time since I have been here that any man's State has ever been mentioned by anyone in an opprobrious way, that a refusal was made to allow him, then and there on the spot, and let it go in the RECORD alongside of the accusation or attack, to clear up or explain, if he asked permission to have it done.

The attack of the Senator from Colorado was that the vote in my State was suppressed, and he read figures from the Congressional Directory going to show that the vote in the last State election for Congressmen was some 28,000 for seven Congressmen. The same would apply to the State of Alabama; to almost every other Southern State similarly situated to mine. It applies to Mississippi. It was not new. It had been brought up in debate on the PRITCHARD resolution, and the Senator from Mississippi [Mr. MONEY] explained it in regard to his State. I wanted only three minutes to give some explanation here. I was denied it. No Republican would have denied it to me, because there is no man on the other side so lacking in courtesy and fairness and decency as to have permitted a State to be attacked in his time and then refuse to allow its Senator here to defend it.

In that connection, Mr. President, I will carry out my purpose and show now and here why the vote in South Carolina is so small at the legal election in November. Under our new constitution, in which the suffrage is based on an educational qualification, enlarged to illiterates by the payment of taxes on \$300, we have about 114,000 registered voters. In other words, a man who

can read and write or pays taxes on \$300 worth of property is allowed to vote. There are in the State some fourteen or fifteen thousand colored voters registered. Of the balance of the vote, white, 97 per cent is Democratic.

Mr. CLARK of Wyoming. What is the total vote?

Mr. TILLMAN. The total registered vote is 114,000 or 115,000. I say 97 per cent of the white vote is Democratic. Well, now, at our Democratic primaries, protected by law for the nomination of the party candidates, held in the summer, at least 90 per cent of that vote turns out, and there is great interest and excitement, as some of you have heard in the papers in the campaigns in which I have been interested down there for governor and Senator. There is no lethargy there in politics, there being as much politics to the square mile as in any other State in the Union. But there has been no organized Republican party in the State since 1884. The Republicans do not hold any State convention; they do not nominate any candidates for governor and other State officers. In one Congressional district they did so up to the period when the last constitution was inaugurated, in 1895, in what is known as the black district, where we strung the negroes together for the purpose of giving them one district, and then we turned around and took it away from them, having the usual greed of the Anglo-Saxon and his unwillingness to allow the colored race to dominate him or have any influence in government, just as you gentlemen now propose to do for Hawaii.

I said there were no Republican nominations except for Congressmen in the black district. The Republican machine is composed of those who are appointed by the Republican President to the post-offices and the Federal positions—the marshal, and so forth, the collector of the port, and the district attorney. They control the patronage. They send delegates to the national convention for the Republican party. It is as rotten a borough as any other State in the Union so far as Republican influence is concerned, because there is no hope, no possibility, of any electoral vote for any Republican candidate in South Carolina.

Well, with no candidates opposing our Democratic nominees at the legal elections in November, being merely a ratification of the primary elections or nomination in August, what object is there for men to turn out and vote? They simply do not do it. Therefore three or four thousand or four or five thousand in a Congressional district go to the polls in November and ratify the action of the party in August.

The Senator from Colorado [Mr. WOLCOTT] I see is absent from the Chamber. I think if he had known all the circumstances of the debate he would not have waltzed into it in the way he did. His State in the last election in one Congressional district polled fifty-odd thousand and the other polled 80,000. Everybody knows why that is. It is simply because women in Colorado vote.

On the question of suppression, as indicated by the paucity of the vote, I will quote some figures used by the Senator from Mississippi [Mr. MONEY] in regard to Massachusetts and Connecticut to show that it is not always necessary to have any statute law or any illegality or any infamous proceedings in elections to cause a small vote.

In 1890 the State of Massachusetts, which has an educational qualification the same as my State, polled 285,000 votes. What is the total voting population of Massachusetts? Six hundred and sixty-five thousand. In Connecticut the same year the vote was 125,000, out of a total vote of 224,000. Nobody will contend that the vote of Massachusetts was suppressed; that there was interference with anybody. I presume that the Republicans had a full swing there, as they have almost always had, except when an occasional uprising of the people took place. The party felt that the ticket was safe, and enough Republicans went out, seeing that the Democrats were not active and were taking no interest, and voted to save the ticket and elected it. The Democrats feeling no interest in the election, knowing they could not carry it, remained at home. Nearly 400,000 voters in Massachusetts did not turn out.

Why not allow other people to have the same rights and exercise them when you are indifferent in politics? Why accuse us of the South always of suppressing and oppressing the colored race? We do enough of it; I do not dispute it; but we are not doing in my State half the devilment, never have done half the devilment, that is proposed to be done in this Hawaiian law that you are now enacting.

You said in 1867 and 1868, when you passed the constitutional amendments, that involuntary servitude in the United States and all the Territories thereof should cease, or in any territory under its dominion. You know since and you knew it when you annexed Hawaii that there were 20,000 contract slaves there who were whipped when they refused to work and were driven to their work under the lash. What did you do? Did you put in a provision in the resolution of annexation annulling those contracts and protecting those people? No.

Now what do you propose to do, or, rather, what did this committee propose to do? The bill has been amended, but we have

got to take it as the committee sent it here, as showing the latter-day Republican policy. Here is the way they brought it in. Here is the provision for which the committee stands sponsor and is responsible as far as its action goes. Any amendment or assistance or benefit to those people that will come from legislation will come from the Senate itself as proposed by the amendment of the Senator from Massachusetts. Here is the provision of the bill:

SEC. 10. That all obligations, contracts, rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed.

In another section we repeal the provision of the Hawaiian constitution and all the Hawaiian enactments or statutes which allow punishment of those contract laborers by imprisonment and whipping, and then turn around and say that all existing contracts must be fulfilled, and that the law, so far as they are concerned, must continue in effect. It is to give three or five more years of slave labor to the sugar corporations which are behind this bill, which were behind the annexation resolution, and which have sent their sugar in here until we have remitted duties to the amount of \$80,000,000.

And then you get up and attack South Carolina because her vote is small! What kind of a vote do you propose to give those people? The proposition here is to limit the vote to those who can read and write. I have no objection to that; we are doing it ourselves; but you go forward and say that Senators shall not be voted for by any man who does not own a thousand dollars' worth of property, whereas our provision is that if you own \$300 worth and do not read and write you have the right to vote.

I sympathize with the little oligarchy in Hawaii in a way, the 4,000 white men or white women, with young men and children, Americans, 7,000 all told. I do not want them massacred. I do not want them put under the domination of the Kanakas. They are not going to be. If you were to let them loose, they would hire enough or control enough of votes, buy enough of votes, if necessary, as is being done in some of the Southern States, to elect their government; or they would cheat them, as we used to do. What I object to, gentlemen, is the hypocrisy of those in this Chamber who stand up here and contend and contend and contend that the South must be treated differently from those people; that the colored race must be differently treated in the Philippine Islands, Hawaii, and Puerto Rico from what they are treated in our States of Mississippi, Louisiana, Texas, Alabama, and South Carolina.

If it is good to have white supremacy in the Hawaiian Islands, why is it not in my State? We are Americans, gentlemen. The white people in that State are almost wholly descendants of men who fought in the Revolution. There are but 9,000 foreign-born citizens in it; and if we are backward and old-foggyish in some things, we love liberty as well as you do. We know the inherent superiority of the Anglo-Saxon, and when we were forced by the Federal Government to submit to the oppressions of a majority of colored people, ex-slaves, from 1868 to 1876, when life had become not worth living on the terms you were giving it to us, we all rose in our manhood and, in spite of Grant and his army, we took the government away from those people. We have held it ever since, and we will hold it for all time.

I do not object to those white men in Hawaii being protected, but do not protect them with hypocrisy and cant. Be men! Stand up! Come out and say why you do this thing.

This provision in the bill providing for contract laborers—that is, for the contracts with contract laborers being carried out—has been amended. The Senate has endeavored, I believe, to keep that provision from being enacted by the amendment of the Senator from Massachusetts; but you still have all these judges appointed by the governor, with the governor recommended by the sugar planters to the President, with no means of communication between that country and this, with the large number of Americans over there who are not worth a thousand dollars and therefore can not vote for a senator, with the provisions of this bill looking to the perpetuation of the rule of wealth without regard to the old slogan of the Republican party, manhood suffrage, God, and morality, and brotherhood of man, and all of that old stuff which you believed in once and fought for, but which you now repudiate.

Why do you not come out like men and say so if you have changed your position, if you no longer regard the colored races with the affection you once had for them, if you make no move looking to the protection of them in Hawaii or in Puerto Rico? Poor Puerto Rico is not provided for in this bill. We will come to that when the bill comes over from the House, if it ever gets over; therefore I will not expatiate on that. But what I am contending for here is that you ought not, as decent men, as Christian men, as self-respecting men, to lend your assistance and your votes to any scheme of government which in its essence is a military despotism supported by the Army of the United States and the maintenance of an oligarchy of a few thousand or a few hundred rich men manipulating and controlling the rest.

Here is a letter which the Senator from Idaho [Mr. HEITFIELD]

handed me a moment ago, dated Honolulu, January 26, 1900, which I will read for the information of the Senate:

Hon. HENRY HEITFELD:

DEAR SIR: Yours of January 8 was received two or three days since. Also received the copy of the Cullom bill, for which I thank you. As to suggestions, the most important one I can make is that the immigration laws should go into effect at once on the signature of the President. If that is put off until the 4th of July, this government, which has imported between 20,000 and 30,000 Japanese laborers into these islands since the American flag was raised over them, will import as many as they can in the interim.

While the black plague is here, brought from China and Japan, while millions of dollars of property have been destroyed by fire to eradicate the plague, several thousand Japanese laborers have been landed on these islands. There are many, many Americans here who object to this importation of Asiatics; but woe to him who has the temerity to do it openly! The sugar interests are as vindictive and relentless as a head hunter of Borneo. I think the supreme court justices should be appointed by the President rather than by the governor; then we might have some varied interests here.

I do not think it best to put the legislature under the thumb of the judiciary by giving the supreme court the right to determine who are the representatives and senators.

The Senator from Wisconsin has had that amended out of the bill.

Finally, I most earnestly entreat you, Senator, to give the Fairbanks bill, extending the labor and immigration laws of the United States immediately to Hawaii, your earnest support.

Mr. CLARK of Wyoming. Whom is the letter from? Will the Senator tell us?

Mr. TILLMAN. Did you hear it say, "Woe to him who has the temerity to do it openly?"

Mr. CLARK of Wyoming. This is the Senate of the United States, Mr. President—

Mr. TILLMAN. It was the Senator from Idaho [Mr. HEITFELD] who told me that the writer was a responsible man, and that he was a truthful man, but I would not undertake to give his name here without his consent.

Mr. CLARK of Wyoming. I do not know why the name should not be given when a charge of that kind is made.

Mr. TILLMAN. Are we going to send an investigating committee out there to see that the oligarchy of wealth there is put down and that justice is done to the American immigrant?

Mr. CLARK of Wyoming. May I be allowed a question?

Mr. TILLMAN. Certainly.

Mr. CLARK of Wyoming. I want to say to the Senator from South Carolina that I am thoroughly in sympathy with him on the proposition of appointing the judges by the President; neither can I be charged with being extra friendly to that portion of the population over there which the Senator condemns; but I think it is unwise, I think it is not right, that a charge of that sort should be made in the Senate of the United States against any reputable body of citizens without having the source of the charge made known.

Mr. TILLMAN. I will consult with the gentleman who gave me the letter. If the writer were from my State, I would give his name without asking his permission.

But, at all events, you see that this gentleman has pointed out the very ulcers and sores of tyranny, which we ourselves have seen and have eliminated from this "perfect bill," this paragon of legislative excellence, which has been brought in by the Committee on Foreign Relations in relation to a government which the Senator from Alabama [Mr. MORGAN] has praised so highly as being a perfect government, the best government under the sun, almost; a government that is equal to that of any of the American States, and all that sort of thing. That government is to rest, first, on the appointment of a governor by the President, of a native or a resident; and, secondly, that governor is given all the judiciary, to be under his thumb and control and influence, if this bill goes through. The lower legislative branch of the government is to be elected by those who can read and write; and as to the senate, by those who have \$1,000, and to be voted for by nobody who has not a thousand dollars. Therefore, the wealthy classes in the Territory are to control its destinies; the "governing classes," as some Senator said the other day—a new phrase in America, by the way—"the governing classes!"

Mr. HOAR. Just as you have a governing race.

Mr. TILLMAN. We have a governing race just as you would have in Massachusetts if you had 750,000 negroes and only 500,000 white men. [Laughter.] I do not deny, and never have denied, that the white people in South Carolina control the State and intend to continue the control of it. We have a God-given right to control it; and when our civilization was in jeopardy we rose and took the control, as I said a while ago.

Mr. HEITFELD entered the Chamber.

Mr. TILLMAN. I will say to the Senator from Idaho [Mr. HEITFELD] that I have read this letter with his permission, and the Senator from Wyoming [Mr. CLARK] called my attention to the fact that I did not give the name of the gentleman who wrote the letter. I told that Senator I had no authority to give the name of that gentleman, and that I would refer him to you. The writer himself says that a man who dares openly to oppose the sugar barons out there and the corporations and their officers

who control the sugar plantations is in jeopardy of his life. The Senator from Idaho can give the name if he desires to do so, but I am not at liberty to do it.

Mr. HEITFELD. Judging from the letter, I am satisfied the gentleman who wrote it does not want his name to be known. I will say, however, that I knew this gentleman in Idaho several years ago, when he was in the Government service—an entirely reliable man. I should like to give his name, but I do not know that, under the circumstances, I have a right to do so. I will give the name to the Senator from Wyoming privately, if he so desires.

Mr. TILLMAN. If the Senator from Wyoming will move for a Senatorial investigating committee, or a joint committee, to go out there and investigate the devilment that has been going on, and is going on now, and will continue to go on after we have passed this bill—

Mr. CLARK of Wyoming. I will say to the Senator from South Carolina that I do not need any investigating committee. I have been there myself.

Mr. TILLMAN. Then, will you get up and testify in your own behalf as to what the conditions there are? I notice that you have been endeavoring to liberalize this bill and protect the people there.

Mr. CLARK of Wyoming. If the Senator ever gets through, I will make my statement.

Mr. TILLMAN. Well, that is a left-handed compliment that I do not think comes with any good grace from the Senator.

Mr. CLARK of Wyoming. I have taken very little time of the Senate.

Mr. TILLMAN. The Senator is not in the habit of making long-winded speeches, and he does not bother us much with speeches of any kind; but those which he makes are always lucid and forceful, and I always listen to them with instruction. I maintain, however, that I never tire the Senate. I never speak unless I have got something to say; and when I get through saying it I stop. [Laughter.]

I only point out this in this long, rambling speech, which is cut into so many parts that it has not any logical connection or force, and what I wish to say is that this bill enacts and reenacts certain laws from the statute book of Hawaii, which none of us know anything about, and it repeals other laws of Hawaii which none of us know anything about. We are legislating in the dark and upon the good faith of the committee that they would not mislead us. You have seen that committee bring in a proposition looking to the carrying out of contracts made since the islands were annexed and leaving laws in force regarding these existing contracts. That is the reason there was a necessity to rush in and get 25,000 slaves in there, so as to be able to "wallop" their yellow negroes and drive them to the sugar fields. Perhaps some Senator would dispute the proposition as to the walloping, but here is the testimony before the committee as to the method pursued, from which I will read, as follows:

Q. Suppose a "contract" laborer is idling in the field, what do you do?
A. We dock him; we give him only one-half or three-quarters of a day, and if he keeps ~~it~~ up we resort to the law and have him arrested for refusing to work.

Q. What do you accomplish by putting him in jail?

A. For the first offense he is ordered back to work, and he has to (eventually) pay the cost of court. If he refuses to obey orders, he is arrested again and a light fine is inflicted, which the planter can pay and take it out of his pay, or else he is put on the road to work. For the third offense he is likely to get three months' imprisonment.

Imprisonment with hard labor in the penitentiary, and liable to be whipped if he does not obey the orders of the warden. We whip them in our penitentiary, and you whip them in yours; and you whip them when they are imprisoned for crime and will not obey orders. The crime here is that the laborer comes from Japan or from China under contract, and he gets tired after a while and wants to get away and get into the United States—the glorious and blessed country where the thirteenth, fourteenth, and fifteenth amendments are supposed to protect the colored man—with the result I have indicated. Then, since we annexed those islands they have imported 25,000 more of these contract laborers, and the committee propose to allow them to be made to carry out their contracts.

Another phase of this question I do not understand, but which perhaps the Senator from Alabama [Mr. MORGAN] or the Senator from Illinois [Mr. CULLOM] will enlighten me upon, is that there is some mention made in some of the documents I have read of the obligation on the part of the Hawaiian government to the Japanese Government to pay the contract price of those laborers before they are brought away; and there is an obligation on the part of the Hawaiian government to see that the obligation made by the contract laborer in Japan is carried out, and that he receives his compensation. I do not know whether any such provision of law as that exists or not, but if it does, it simply means that the republic of Hawaii originally, and the Territory of Hawaii now, unless we by legislation prevent it—I can not get any consecutive idea about this bill, and it would take seventeen Philadelphia

lawyers to tell what it means in the way we have fixed it and what its effect will be—but, as I have said, unless we prevent the judicial tribunal to so interpret the law, and unless we prohibit such contracts, and unless we emancipate those contract laborers, they will be forced to carry out their contracts, and there is no hope for them outside of this Capitol.

I asked the Senator from Massachusetts [Mr. HOAR] this morning, a man who I know abhors this whole scheme, as I do, to have this bill reprinted with all the amendments in it before a vote is taken, and then Senators should take it and study it carefully. I fear some way will be found, some loophole through the judiciary to be appointed by that governor, by which they could enforce those contracts by some annulment of the provisions which have been put in here. It will certainly be done if we are not careful.

Mr. President, I have very little more to say. As I have tried to say a half dozen times in the Senate, I sympathize with the white people in Hawaii. I believe it is the only race there capable of self-government. I know that through their instrumentality the islands have been lifted up, at least they have been made more wealth producing and that conditions are better for the few who are now there than they were formerly.

Is there any provision here by which any American who will want to go there and engage in the cultivation of coffee, or some other product which would promise him more remuneration for his labor than he now obtains, is invited there? Is that a country which immigrants will seek? Is there any inducement for a man to go there to get a living where he has got to show that he owns a thousand dollars in clean cash or in property before he can participate in the Government in any effectual way? Is that American? Is it republican?

I am going to propose at the proper time—and I inquire of the Chair if there is an amendment now pending?

The PRESIDING OFFICER. There is a pending amendment, offered by the Senator from Connecticut [Mr. PLATT].

Mr. TILLMAN. I am going to propose, at the proper time, to put you gentlemen on your mettle, so that the Senator from Colorado [Mr. WOLCOTT], who is so solicitous about the suppression of the negro vote in South Carolina can go upon record, that we incorporate as the suffrage provision of the Hawaiian Islands the constitution of South Carolina to-day; and I dare you to vote for it, and I dare you not to vote for it. [Laughter.]

Mr. CLARK of Wyoming. I regret, Mr. President, that the attack on the Senator from Colorado [Mr. WOLCOTT] is made in his absence.

Mr. TILLMAN. I notified him that I was going to reply to his speech. He caused the attack.

Mr. CLARK of Wyoming. The Senator from Colorado will undoubtedly be able, at the proper time, to take care of himself.

Mr. President, I am in sympathy with the Senator from South Carolina on the pending amendment; but it seems to me that when he charges the Republican party with hypocrisy in this bill because of his solicitude for the natives of the Hawaiian Islands it comes with very bad grace from a Senator who, in the same speech, declares that, by the Eternal God, the vote of South Carolina never shall be cast as it was registered.

Mr. TILLMAN. I have never declared anything of that kind.

Mr. CLARK of Wyoming. The Senator declared that the white population of the South would always control that portion of the country.

Mr. TILLMAN. My language is capable of no such interpretation. I declared that our registered vote numbers to-day 114,000 under the Constitution, and I now declare that those voters are as free to go to the polls and register and have their votes counted and have an honest return as is the case anywhere else in the United States.

Mr. CLARK of Wyoming. Will the Senator from South Carolina declare on this floor to-day that every method has not been used, and is not now being used, to disfranchise the colored people of the South?

Mr. TILLMAN. I know nothing about other States; but I acknowledge openly and boldly in the sight of God that we did our level best to keep every negro in our State from voting. [Laughter.]

Mr. CLARK of Wyoming. So when the Senator charges the Republican party with hypocrisy, I ask him to first sweep his own doorstep. I did not intend to say anything of this character when I rose, but I am in sympathy with this amendment. I believe, as I said a few days ago, that the Hawaiian Islands should be accorded the fullest possible measure of self-government consistent with our institutions.

I do not believe there is any crying desire on the part of the people of the Hawaiian Islands for anything more than our Territorial form of government. Neither the Senator from South Carolina nor anybody else can accuse me of being especially interested in what he calls "the gang" or "the family compact." In

fact, Mr. President, perhaps I am a little outside of their good will, because I have been much more interested in the people, in the inhabitants of the islands, than I have been in those who control; but yet it will not do for any Senator of the United States, without information, upon mere hearsay, to rise in his place in the Senate of the United States and assail the government which now exists.

If there is anything in the Hawaiian Islands to-day which tends toward civilization, if there is anything in the islands of Hawaii to-day which tends toward republican institutions, if there is anything in the Hawaiian Islands to-day which tends toward education and good government, it can all be laid to the hands of those men from New England who, nearly one hundred years ago, went to those islands to spread the gospel of Christ and civilize them. The same character of men are in control of affairs there to-day. I do not agree with the system they have inaugurated there. I am in sympathy with the Senator from South Carolina in many particulars.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. CLARK of Wyoming. Certainly.

Mr. TILLMAN. These missionaries, these God-fearing men, these Christians, inaugurated and have practiced for years this contract-labor system. Was that right?

Mr. CLARK of Wyoming. I am not here to defend that.

Mr. TILLMAN. Was that in accordance with Republican theories and doctrines and provisions?

Mr. CLARK of Wyoming. I am not here to defend any contract-labor system. The Senator can not put me in that position.

Mr. TILLMAN. Whenever you defend the government of Hawaii as such a high and noble type of government, you must shoulder the responsibility of defending all the acts of that government or else pick out of the category those which you do not defend.

Mr. CLARK of Wyoming. When the Senator gets through with his bulldozing methods, I will proceed.

Mr. TILLMAN. I shall not interrupt the Senator any further.

Mr. CLARK of Wyoming. I said whatever there was of Christianity in those islands, whatever there was of good government in those islands, whatever there was of republicanism in those islands, was due to the efforts of the men who went there from New England one hundred years ago; and the Senator himself knows it.

Mr. TILLMAN. Yes; I know it.

Mr. CLARK of Wyoming. Their whole system is not perfect; but the Senator can not put me in the attitude of defending contract labor when he knows my position on this bill; when he knows I am antagonizing my own committee on this bill, he can not do it, and I will not allow it, Mr. President; but I say it is not in the mouth of any man to rise up and condemn those people on imperfect information.

Mr. FORAKER. The Senator having made the remark that he had been antagonizing his own committee in regard to the question of contract labor, does he mean to have it inferred from that that the Committee on Foreign Relations favor contract labor?

Mr. CLARK of Wyoming. I did not speak of contract labor especially. I spoke of various amendments which I had offered to the bill and which were submitted to the Committee on Foreign Relations.

Mr. FORAKER. Certainly nothing should be more distinctly understood, for such is the fact, than that it was the purpose of the committee in reporting the bill—at least I so understood it—to cut off contract labor; and we made an effort to have the bill passed on that ground at the last session of Congress.

Mr. CLARK of Wyoming. The Senator is perfectly right on that point. I was speaking of offering amendments to the bill when it was being considered by a committee of which I am a member.

Mr. FORAKER. The Senator used the expression in connection with contract labor, and I thought he might be misunderstood.

Mr. CLARK of Wyoming. I did not intend to do anything of that kind, of course.

But, Mr. President, to get to the point of the amendment which is now under consideration, it is whether or not the governor of this proposed Territory of Hawaii shall appoint the judges of the circuit and supreme courts, or whether those appointments shall be vested in the President of the United States, as has been the case with all our other Territories.

We have provided in this bill that the governor of the Territory shall be appointed by the President. Nobody, as I said to the Senator from South Carolina, can accuse me of being more than friendly toward the present government of Hawaii; nobody can accuse me of being inimical to the native population of Hawaii. I want those people to have the largest amount of local self-government possible. I do not believe that they should be granted

any greater powers, local conditions excepted, than have been granted to the Territories of the United States when they were made Territories.

It is true, as the Senator from Colorado [Mr. TELLER] said, the people of the Territories often have suffered injustice by the appointments of the President; but that is a matter of ancient history; it has not occurred since 1838, when, in both political platforms, notice was served that the people of the Territories, so far as possible, wanted the appointments made from their own citizenship; and the appointments have generally been so made.

I believe it would be a dangerous departure to grant to any governor of any Territory the right to appoint the members of the supreme and inferior benches. They already, under the general organic act of the Territories of the United States, have the right to appoint all the State officials, save only the secretary of state, the power remaining in the President to appoint the governor, the secretary of state, and the judges of the courts. I do not believe there is any cause at this time to depart from that custom. The governor appoints the attorney-general, the auditor, the treasurer, the superintendent of public instruction, the various boards of charitable institutions, and other boards which are necessary in a Territorial government. I think we ought to leave in the discretion of the President the appointment of these high judicial officers.

There is no one who has a higher opinion than I have of the present supreme bench of the islands of Hawaii. Some of its members are known to many of the Senators here. There is no one who has a higher opinion than I have of the circuit judges of Hawaii. I know all of them. They have a bar at Honolulu and Hilo which would do credit to any cities of like size in the United States; and there is no question but that from the bar of that Territory the President, in his discretion and in his wisdom, can find men to fill these important offices.

Mr. President, I am not interested in this matter, except that I want to see the best thing done for the people of those islands. Anyone who travels over them from north to south and from east to west can not but feel his heart go out for their welfare. There is not one who travels in those islands but who knows that it has been not only the passing of a kingdom, but that it is the passing of a race. The Kanaka will not exist on this globe of ours very long.

So I say, Mr. President, I am only impelled by the good, or what I think will be the good of those islands when I rise in my place. There is no general demand over there that anything but a Territorial form of government shall exist. What they fear is something less. They fear the colonial form of government, to which my friend from South Carolina is, perhaps, so justly opposed.

If we give, then, to the Hawaiian Islands a Territorial form of government, with the privileges we have in the Territories, the people there will be perfectly content, they will be perfectly satisfied, they will have good-will toward the American Republic; and when you say they are opposed to annexation, it is a mistake, except when they confuse the word "annexation" with the word "tyranny."

Mr. TELLER. The Senator from Connecticut [Mr. PLATT] says that his interest in this bill is the interest he feels in the people of Hawaii. I suppose that is the interest of all of us. If the Senator can make it appear that the people of Hawaii want the President to make the appointments, I believe I should be willing that such should be done; or if he can show that there would be any advantage to the people of Hawaii, then I certainly should be for it. I very much doubt, however, whether the people would not prefer to have a man living in their midst—their governor—to make these appointments. I think that would insure the appointment of officials who would be residents and inhabitants of the islands. I am not sure that that can be done unless we put into the bill some provision which will compel it.

The President, if authorized to make these appointments, would be likely to make them, as he has been always making them. I do not speak of the present President, but as our Presidents have been making them for the last forty or fifty years. My acquaintance with this system of appointments began in 1861. I do not care now about going over and designating; but we never got proper appointments until we secured a Delegate in Congress, who had force enough to insist that the selection should be made from our own people. When we did that, we had in the Territory good judges.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. The President by this bill appoints the governor. Now, is he not just as likely to appoint a governor who would not make good selections of judges as he would be to make a bad selection of judges himself?

Mr. TELLER. The governor has to live with these people, whether he is appointed from Connecticut or Hawaii. He has got to be surrounded by these people, who will complain to him.

When we had bad judges, vicious judges, judges who took bribes, judges who were ignorant of the law, judges who were immoral and indecent in their intercourse with their fellow-men of the Territory—and we had some who would come under that description—the trouble was that they did not feel that they had any connection with us. They knew that they had people in the East who had secured their appointments and who would stand back of them, no matter what we said. If you are to send a man who is to live there, and particularly if you take a man who does live there, which I should think the President would do, for I should consider it almost criminal if he did not, without any reference to what the statute might be upon the subject of their vocation and residence—if he will do that he will select as judges men who have the confidence of the people—and as there is provision that they may be removed when just such conditions arise, if they do, as did arise in many of the Territories, he would see that they were removed.

It seems to me this debate proceeds upon entirely false premises. There is not a condition there such as the Senator from Connecticut seems to suppose. There is no danger of that government being destroyed. There is quite a large Kanaka vote, or native vote, I will say. I know something about those people. We had them in the West at a very early day. They disappeared after a few years. They are a gentle, decent, well-behaved people. They belong to a race that was once very numerous in those seas, a race that has disappeared practically, a race that can not stand the civilization of and contact with the Anglo-Saxon. The Senator from Wyoming undoubtedly tells the truth when he says they will disappear. It is a disappearing race.

I do not believe it is possible, by anything we can do, to preserve the race, but while they live they are entitled to the utmost consideration. It is their land. They owned it. They lived there. They were invaded by the desire to give them the blessings of a different religion and a different civilization from what they had. There were 200,000 of them there when this benevolent assimilation began. They lived in absolute comfort and absolute peace, except that occasionally disputes arose between one chieftain and another. They began gradually to disappear when this new civilization appeared. They are not to blame for it. They ought not now to be deprived of their rights in the land of their birth and the birth of their ancestors.

I will say to the Senator from Connecticut that there is no more danger of those people bringing about an improper state of affairs than there is of the Americans who are there—not a bit. They can read and write. They are practically all of them members of a church. They are a religious people naturally. They are a kindly dispositioned people. Everybody on this floor has said so who has had anything to say about them. We restrict them in this bill; and unless that restriction is removed, I do not intend to vote for the bill. You give them an intellectual or educational qualification. That is not enough. A man who does not have a thousand dollars' worth of property is to be deprived of the opportunity to vote. That is done upon the theory, according to the Senator from Connecticut, that he is an unsafe citizen.

Mr. PLATT of Connecticut. That is for the senate.

Mr. TELLER. For the senate. He may vote for members of the other house; but that enables a moiety of the people of that community to elect the obstructing body—the senate. They are the people who have naturally the ear of the appointing power, whether it be the President of the United States or the governor, as to many of the officers. You have given the governor a power never before given to a governor in this country. You never, as I recollect—certainly you did not do it in Colorado or Wyoming—have given the governor the right to appoint all the officers. We used to elect the auditor and we used to elect the treasurer and officers of that kind. We selected our county judges.

Mr. CLARK of Wyoming. Will the Senator from Colorado allow me?

Mr. TELLER. Yes.

Mr. CLARK of Wyoming. I do not know how it was in Colorado, but the only appointive officers we had in Wyoming in Territorial days were the governor, the secretary, and the judges of the courts. The auditor, the treasurer, the superintendent of public instruction, and all the boards were appointed by the governor, by and with the advice and consent of the Territorial council.

Mr. TELLER. That was the way with us. But I will venture to say that in their organic act or enabling act they had the same provision—until the legislature provided otherwise.

Mr. CLARK of Wyoming. That is the fact.

Mr. TELLER. That was the provision of the enabling act in Colorado. The governor made the first appointments, and they only held until the close of the first session of the legislature. It provided for the election. I do not know what they did in Wyoming; but if they did not, it was because they did not care to do it.

Now, here you deny to these people, if the President makes the appointment of the governor, the election of every officer practically, even the sheriff. We elected a sheriff in every county. So

they did in Wyoming. We elected county judges in every organized county. So they did in Wyoming. I know they did. Then there is the sheriff, who is the high executive officer of the Territory. I do not know but that there will be power in the legislature—I suppose there will be—to provide for a sheriff for each county, because I suppose they will have the general power of legislation.

What I want to protest against is the suggestion made by the Senator from Connecticut that there is danger of revolution. I do not know that he used that term, but that there is danger of the disruption of society there if these people are allowed to vote. The 30,000 Kanakas can be just as safely intrusted with the elective franchise, I repeat, as the Americans. I think they are infinitely more likely to give a decent government than some of the Americans who are there and who have been trying to arrogate to themselves all the power under the government, whether monarchical or republican in form.

I think we are under obligations to those people. We are obligated to give them as much self-government as they had when we took them in. They never could have contemplated that we intended to curtail their rights. The Kanakas, subject to a property qualification as to some offices, were all entitled to vote. They will be entitled to vote now except for senators, I understand. If a Senator will get up here and tell me how the ownership of property qualifies a man to vote, I will be glad to listen to him. It is not republican in form or in principle to say that the possession of a piece of property worth a thousand dollars gives a man a right to vote or a capacity to vote properly, and that the absence of it does not. It is too late in the history of this country and the history of free government to put these property qualifications there.

I want to repeat that all I am interested in is serving these people. The commission that went over there thought this was the proper thing to do. I understand from them that they believe it is acceptable to the people. Privately they have told me so, I think. The Senator from Wyoming, I think, said that he believed the people were changing their views on the subject; that they would prefer that the President should appoint the judges instead of the governor.

Mr. CLARK of Wyoming. Oh, no.

Mr. PLATT of Connecticut. I said it.

Mr. TELLER. It was the Senator from Connecticut. I beg pardon.

Mr. CLARK of Wyoming. My statement was that I thought the people would be satisfied with the usual Territorial form of government.

Mr. TELLER. They are entitled to a Territorial form of Government as good as any people ever had. You are not giving them such a government under this bill. You are not giving them the freedom you gave us. Of course, I would not want to say that the people of Colorado were not superior to the Kanakas. We then had a heterogeneous class of people. There was not a country or an island, I think, on the face of the earth that did not have its representative in Colorado, and we had a large population that could not either read or write. We found them there. They belonged there long before the Territory was organized, and yet we extended to all of them the opportunity to vote. There was no restriction. The enabling act said it was restricted to white male inhabitants. Any Kanaka could have voted under that. Every Mexican and half-Indian voted under that if he wanted to. It was only the negro who was excluded by that provision in practice in the Territory. All I am insisting upon is that these people shall have what I think we are under obligations to give them, a government of the people, by the people, and for the people, and if they are not qualified to discharge the duties of citizenship then there is not any community in the world that is, in my opinion.

When we come to deal with the Puerto Ricans and the Philippine people we are confronted with a different condition entirely.

Mr. CLARK of Wyoming. Before the Senator takes his seat, I will say that I think, so far as he and I are personally concerned, we are not far apart on this proposition. I will ask him if this amendment would be acceptable to him if it provided that the judges should be appointed by the President from citizens of Hawaii?

Mr. TELLER. I do not know but that it would be. If I could be sure that the President would take these judges from the citizens there I would not particularly object to this amendment. That is what I want to do. On my own suggestion I should be in favor of limiting it in that way; but I understand there are some Senators here who would raise the question whether we have any right to put that restriction upon the President. If that can be done without a controversy, so far as I am concerned I shall lose much of my interest in it, although I still believe it would be a little better to leave it as the committee or the commission put it, whichever did it, when they made this arrangement, than to change it as suggested.

Mr. CARTER. Mr. President, the pending amendment merely involves the question whether the judges of the courts in Hawaii shall be appointed by the governor or by the President. Other amendments follow which are merely incidental to that chief proposition. In considering the propriety of the course of action to be taken in this case, it is well to remember that the conditions being dealt with are unique. From all information obtainable from public prints, individual observation, historical narrative, and other sources of information it is quite obvious that we are dealing with a people and a condition where the most violent extremes of ignorance and intelligence, of wealth and poverty exist. The population is a curious conglomeration, made up of the aborigines, Portuguese, Spaniards, Germans, and other various nationalities of Europe slightly represented in the mercantile classes, Americans, Japanese, and Chinamen.

When the government of the republic was established limitations were placed upon the suffrage. Limitations were placed upon representation, deemed necessary for the preservation of any form of government. With that question this amendment does not necessarily deal, but in view of the combination of people and interests, with the large planter and the very poor peon, if you please; with the person possessed of millions and the person possessed of nothing, it is not difficult to perceive that the influences which secure the appointment of the governor will represent one class of people, and that that class will be represented throughout the government in unbroken influence, expressed through its courts, if the governor is permitted to make the appointments.

The original idea connected with our own Government involved the widest convenient and possible distribution of power. The election in the States of the judiciary by the people, the election of the governors by the people, and the appointment of the judiciary in the Federal system by the President, thus mingling together the executive and judicial departments, arose from the necessities, not the desirability of the situation. It would have been better to have elected the circuit and district judges of the United States by popular vote if that could have been done without abating the authority of the General Government. It could not be done, and therefore appointment was resorted to. To vest in the governor of the Territory of Hawaii the absolute right to control by appointment and removal all the judiciary of that Territory, will make of the governor, who will be in the beginning but the leader of a faction there, the autocrat of the island, appointing and removing, at his own sweet will, those who construe the law.

I am aware, and became so by experience, of the evils referred to by the Senator from Colorado [Mr. TELLER], the appointment of what became known as the carpet-bag gang constantly moving into the Territories from the States. They were generally made up of wind-broken and worn-out politicians, disturbing factors in the districts and the States, and sent out to the Territories for the purpose of getting rid of them. The Territory that was the most remote from railroad connections usually got the worst batch, because relatives, friends, and politicians wanted to put the worst men so far away that they could never get back. This led to an abuse that became a national scandal so pronounced that the great political parties of the country, not moved thereto by the power of the Territories, because the Territories had few votes in convention and none in the electoral college, but by a sense of justice and right, incorporated in their respective platforms a solemn pledge to the people of the United States that home rule should be guaranteed to the people of the Territories. That home rule materialized through the appointments of citizens to the respective offices in the Territories filled by Presidential appointment.

This body, a part of the appointing power, became so thoroughly imbued with the justice and fairness of that course of action that it became, and is to-day, an utter impossibility for any Presidential nominee for any Territory to pass through the Senate and be confirmed unless the appointee is a resident of the Territory. This principle has grown up by custom into a law as binding as any law upon our statute books, and it is not more likely to be violated. There is one exception to the statement I have made, and that is the district of Alaska, where there does not exist any Territorial government in the sense in which Territories have been ordinarily organized. It is but a district government. No legislature is provided for it. The conditions are such as to make it almost impossible to provide for an election which would secure a fair expression of the voice of the people inhabiting the district.

In the light of the suggestions made here, wherever relative to party action, Presidential action, and the action of the Senate, it would be useless to run the hazard of incorporating into this bill a questionable amendment restricting the President territorially as to the place from which appointees might be selected. The rule heretofore adopted would be adhered to most sacredly in reference to Hawaii if the President were authorized to appoint the judges. It does seem to me that no ill result can follow the selection by the Chief Executive of this nation of proper parties to preside over the judicial system of Hawaii. On the other hand, it is not improbable that the most serious abuses might follow the

lodgment of the supreme power in a governor selected by the President. That governor may be at all times an excellent man, and he may be at times a designing and unworthy man. The ordinary Executive act carries with it little of enduring injury to a people, but the appointment of judges to preside on the bench may lead to consequences evil and long enduring, which would last long years after the unworthy officer had been removed. There is no necessity for departing from the ancient rule under which the President has made these appointments. There are many and serious considerations for adhering to that rule.

Mr. CULLOM. Mr. President, I desire to say only a word, and that I have said in substance heretofore. The commission and the committee were desirous, and believed it was in the direction of public sentiment in this country, of interfering with the local status of the government of those islands as little as possible, and so it was determined by the commission that perhaps it would be better to allow the governor to appoint the judges as vacancies occur; and it was done somewhat in view of the fact that the history of the appointment of Territorial judges heretofore has not been very savory. It is true, however, as I know myself, that there have been a great many very excellent judges appointed for the Territories belonging to the United States.

Mr. CARTER. I fully concur with the view just expressed, that men of the very highest character and of the highest order of legal attainments have frequently been put upon the benches from the States and served on the bench with credit to themselves and the country.

Mr. CULLOM. I have in my mind one gentleman especially who signalized himself very greatly, as I think and the American nation, by his services as a judge in the Territory of Utah, as well as in the State of Utah for a while since it has been admitted into the Union. So the committee thought the country would feel that we were not undertaking to make these islands a Territory exactly in harmony with the other Territories belonging to the United States, with a view to bringing it into the Union as a State—at least, not very soon. So far as I am concerned, I was trying to avoid that, I will say frankly; yet the commission did not feel that we could establish a colony there or that we could establish a commission to govern those islands like we have now in the District of Columbia. So the commission determined that we would let that alone as nearly as we could.

We found a good system of courts there—a supreme court, circuit courts, and so on. The judges seemed to be satisfactory to the people; the system seemed to be satisfactory to the people; and hence it was we determined that when vacancies occurred we would authorize the governor of the Territory, whom everybody agreed would have to be appointed as the chief officer of the Territory, to fill them.

Now, so far as I am concerned, I have no concern whatever, if it is deemed best in the interest of those islands and most in harmony with the theory of our Government and safer, if it is decided that the President of the United States should appoint the judges. So far as I am concerned, it is simply a question as to which is the better course to pursue. If I felt that it would be more satisfactory to the great body of those people there, not simply the rich class as against the poor, but to the body of the people of the Territory, that the President should appoint them, I would have no earthly objection. On the contrary, I think I would rather favor it, and I am not disinclined right now to say that I have no special objection to the President of the United States appointing the supreme court and the circuit court judges of the Territory.

Senators must bear in mind that the judges to whom we have referred have no other duty than to administer the Territorial laws—the local laws of the Territory. They have nothing to do with the United States statutes under the theory of our bill, but, upon the contrary, all to do with the Territorial statutes. We provide in the bill that a United States judge shall be appointed who shall have all to do with the United States statutes. It seemed to me, as it did to other members of the commission, that that perhaps was a wiser course to pursue in the organization of the Territory.

I am not going to reply to the remarks of the Senator from South Carolina [Mr. TILLMAN], because I do not think it is necessary. We have gone over this ground time and again. My distinguished friend the Senator from Connecticut [Mr. PLATT] has made a good many criticisms of the situation and of the bill, and has asked what is going to become of those people and how they are going to act in the future. While I am on my feet, I desire to make a remark or two on that subject. So far as those islands are concerned, the people there are very much more afraid that our course here will disturb and bring about a bad condition of things in the islands than we are that they will bring about a bad condition of things with us. They are afraid of partisanship. They are afraid of adventurers coming there who will disturb and uproot the very foundations of what they call the republic.

Mr. PLATT of Connecticut. That is what I say.

Mr. CULLOM. I know the Senator says that, and he thinks

that they are coming here for the purpose of appealing to the Congress of the United States or the Government of the United States to run their government for them in a financial point of view. They do not expect anything of that sort. They expected to pay for those Territorial judges as they expected to discharge their obligations to all the local establishment of the Territory—the legislature and all the local appointments that might be made or provided. I happen to have a statement here that shows a little of the revenues that they are depending upon. Not to go over the items in detail, there are about a million dollars raised in the islands from the tariff laws.

Mr. GALLINGER. Will not the Senator put the statement in the RECORD?

Mr. CULLOM. Yes; I will put this paper which I hold in my hand in the RECORD. Including the tariff laws, the customs laws, and those duties, they raise in the islands nearly \$3,000,000.

Mr. PLATT of Connecticut. But we are going to take away what they receive under the tax.

Mr. CULLOM. Under this law we take away a million of it. They still have \$2,000,000 left, and they are entirely content. Not a single man in the Territory has ever suggested to any member of the commission, so far as I know, that they are coming to the United States to get appropriations to run the local government. Nothing of that sort is intimated, nothing of that sort is desired. If we take these judges out of the category of appointees by the governor, they will be taken out of the list of those to be paid for by the Territory, and I think they ought to be. If we make the President appoint them, and they become in that sense United States judges, I think the United States ought to pay for them.

But the original proposition has been that nothing in connection with those islands is to be paid by the Government except the collector of customs, the postmasters, the collector of internal revenue, the judges of the United States court, the governor, the secretary of state, the United States marshal, and the district attorney. All the balance of the establishment is to be paid under the theory of this bill by the people of the Territory itself.

The statement referred to is as follows:

Statement as to financial resources of the republic of Hawaii.

The latest report accessible is that of the year ending December 31, 1898, the report for last year not yet having come to hand.

For the twelve months ending December 31, 1898, the total treasury receipts of Hawaii were \$2,568,489.12, as follows:

Fines, penalties, and costs	\$59,183.70
Chinese immigration fund	8,817.60
Revenue stamps	82,060.50
Custom bureau	\$96,975.70
Postal bureau	86,456.06
Tax bureau	\$11,818.67
Interior office	198,225.69
Honolulu waterworks	69,564.20
Honolulu market	9,189.25
Hilo waterworks	3,672.00
Koloa waterworks	140.00
Lanipahoe waterworks	115.50
Conveyance bureau	10,794.25
Electric light	953.20
Land revenue	108,882.97
Land sales	45,893.06
Prison	1,473.10
Registry of brands	44.00
Government realizations	139,604.22
Department of public instruction	7,749.80
San Francisco consul fees	15,870.65

Total current receipts 2,568,489.12

Nearly all of the foregoing items indicate the source from which the revenue was derived, but several require explanation:

The item, interior office, \$198,225.69, was derived chiefly from license fees, the largest of which was \$68,000 for merchandise licenses; that is, licenses permitting the dealing in merchandise. The other items making up the total amount were for patent-office fees, rents on lands under control of the minister of the interior, etc.

The item, government realizations, \$139,604.22, given was composed of various items of unclassified receipts. In this instance the two largest items were school tax, special deposit, \$75,124.09; land sales, special deposit, \$18,100.00. In addition to these amounts there were the other receipts, such as from the store at the leper settlement, the sale of hides, etc. (The board of health maintains a store at the leper settlement to afford the people opportunity to obtain such things as they need. The goods are paid for out of the appropriation made by the legislature. All receipts of sales are turned into the treasury as a government realization.)

The item, conveyance bureau, \$10,794.25, represents receipts from the office of the registrar of deeds and conveyances.

CUSTOMS RECEIPTS.

It will be observed that of the total receipts of the government for the year there was received from the customs bureau \$96,975.70.

With the increased values of property and the increased volume of business, the total receipts for the year just ended should be in the neighborhood of \$3,000,000, of which one-third, or \$1,000,000, would be from the customs-house.

When the customs receipts are taken by the United States, the islands will be deprived of not less than one-third its revenue.

Mr. CULLOM. Now, with that situation, it seems to me that there ought not to be shown that degree of criticism and of fault-finding and of disposition to uproot this whole bill and to adopt a new theory, but, upon the contrary, it seems to me that the theory of the bill ought to be sustained.

Mr. President, I have said here all the time that I did not like

the provision of the bill providing for one set of voters for the house of representatives and another for the senate of the Territory. I would much prefer some plan by which the whole population who are entitled to vote at all should vote for both houses of the legislature, and I have never said yet that I would not vote for such a provision. I come here, however, as chairman of the commission defending the bill generally, because it was the best we could agree upon.

Mr. President, I do not care to take up the time of the Senate longer in discussing the bill at this time. I would have been very glad if we could have made such progress with the bill to-day as to get through it and get it into the other House of Congress.

Mr. SPOONER. Mr. President, I do not join in any general criticism upon this bill. I have read the bill with great care, and I am frank to say, and feel bound to say, that on the whole it seems to me to have been drawn with great skill and with a desire to subserve the interests of the people of Hawaii.

I was not in favor of the annexation of Hawaii, nor did the manner in which it was accomplished meet my approval. It was done, however, and I bowed to the decision, as I always do, of the majority. The islands were annexed; and I am as anxious as any other man, and I assume we all are anxious, to do in this legislation, the first legislation for Hawaii, what is for the best interest of that people.

One reason why I was not in favor of the annexation of Hawaii was because I thought I realized the difficulty of bringing into entire harmony with our system and our theories that distant people, situated in a climate where necessarily conditions existed which differed from those which surround us, and how difficult it would be for us to apply all of our theories to that island. I have sometimes thought that the annexation of Hawaii to the United States would be, in the long run, a detriment rather than a benefit to those islands and the people of the islands.

Take this matter of contract labor. I always doubted, so far as the interest of that people was concerned, the wisdom of extending, perhaps, not the immigration laws, but the contract-labor laws which we have in this country to those islands, because of the conditions which surround them there, the climate, and all that. My recollection is that the Senator from Alabama [Mr. MORGAN], who certainly is always frank and has for many, many years had the interest of that people very much at heart, stated in the last session of Congress, when an attempt was made by the Senator from Indiana [Mr. FAIRBANKS] who had charge of the bill to extend the immigration laws of the United States and the contract-labor laws of the United States to Hawaii, that it would be extremely detrimental to that people.

Mr. MORGAN. I do not remember to have taken that ground.

Mr. SPOONER. I may be mistaken, but I think not.

Mr. FAIRBANKS. If the Senator from Wisconsin will permit me, I will state that the Senator from Alabama objected to the consideration of the bill which I introduced at the last session of Congress on the ground, as I understood him, that its passage would be detrimental to those people; and it was upon his objection that we failed to secure the passage of the bill.

Mr. MORGAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. That bill was reported by the committee on the morning of the final adjournment of Congress. There was another measure in which I was very greatly interested that would be set aside and put out of joint entirely if that bill had been considered, and I objected to its consideration on that ground and only on that ground.

Mr. SPOONER. I still think that my recollection is not at fault as to the ground upon which the Senator from Alabama opposed the bill.

Mr. MORGAN. If the Senator will allow me, I never have believed that those contract-labor laws were to the advantage of the people of Hawaii. The people who have derived the advantage from it live in California. They are the owners of the great sugar estates in Hawaii. They are the men who have controlled the legislation in Hawaii upon this subject, and they are controlling it to-day and its policy, not the people of Hawaii. I have always been opposed to having California control the Hawaiian Islands.

Mr. SPOONER. I will call later the attention of the Senator to the language which he uttered, and he may then say to me whether I misconstrued him or not. I do not intend to do him injustice. His statement had great weight with me.

But, Mr. President, I rose to speak only a moment upon this amendment, for which I shall vote. I suppose if the proposition were made to incorporate this provision in the law which governs Arizona, Idaho, or any of the Territories proper of the United States it would not receive much support, although some Senators might think it would be wise.

Mr. MORGAN. Will the Senator allow me to interrupt him a moment?

Mr. SPOONER. Certainly.

Mr. MORGAN. I wish to call his attention to the statute as to Arizona:

The judicial power of Arizona shall be vested in the supreme court and such inferior courts as the legislative council may by law prescribe.

And of that the supreme court only is appointed by the President.

Mr. SPOONER. Certainly; that is the proposition of which I was speaking. Our practice has always been, as I recollect it, under the laws which from time to time have been enacted for the government of the Territories, that the judges of the supreme court should be appointed by the President of the United States by and with the advice and consent of the Senate.

Mr. MORGAN. But if the Senator will allow me—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. If the Senator will allow me, the amendment proposes to appoint the judges of the supreme court and of the circuit courts.

Mr. SPOONER. I doubt the wisdom of the amendment in that respect, but I am speaking of judges of the supreme court. I can see no earthly reason why, as Hawaii has become a part of the United States, in arranging for its judicial system, so far as the supreme court is concerned, we should depart from that theory which has governed us hitherto.

Arizona and some of the other Territories, within our own part of this continent, within reach of our public opinion, inhabited by men who for many years have been citizens of the United States, are, so far as their judicial system is concerned, governed in this way. But I think since the Presidents of the United States have been more governed by the fair principle that the judges should be chosen from the Territories, there has been very little complaint and very little reason for complaint as to the character and the qualifications of the judges who have been appointed.

One difficulty with us all is that Senators seem to treat Hawaii here now as sui generis in all respects. It is sui generis in some respects; it is unique in some respects. It was a republic. It is no longer a republic. It was an independent government. It is no longer an independent government.

The Senator from Alabama spoke the other day about butchering the republic by this legislation. We are not butchering the republic. The people of Hawaii butchered the republic, Mr. President. They sought annexation with the United States. They had a propaganda in this country and able men throughout the country advocating, in the press and on the rostrum and everywhere, the annexation of Hawaii to the United States. They entered into a treaty with the United States by the very terms of which, the moment it became effective, the republic of Hawaii was to die.

Mr. MORGAN. It did not. It is living now.

Mr. SPOONER. If it is living now, why do we not send a minister to it, as we did then?

Mr. MORGAN. I mean it is living with all of its functions and powers except foreign relations. If the Senator—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. I always yield to the Senator.

Mr. TILLMAN. Will the Senator from Wisconsin allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. TILLMAN. We have a minister there in fact—at least we are paying him there right now—Mr. Sewall. He is no longer accredited as a minister, but he is now the executive agent of the President to communicate with this principality.

Mr. SPOONER. That is another thing. It can not be an independent republic, of course, as it was once, and be a part of the United States. But when the resolution of annexation passed both Houses of Congress and was accepted, the republic of Hawaii as an independent political entity ceased to exist, and it became, by the resolution of annexation, a part of the United States.

Mr. CULLOM. Will the Senator from Wisconsin permit me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Certainly.

Mr. CULLOM. I simply wanted to call attention to all there is of it as to its present existence, and that is to the provision of the annexation act continuing the situation until the legislative act was passed by Congress.

Mr. SPOONER. Of course, Mr. President.

Mr. CULLOM. I suppose that is what the Senator from Alabama means.

Mr. MORGAN. That is all I mean.

Mr. SPOONER. Of course no one will dispute that if by the acquisition of territory, it being taken out from under the dominion of the government which theretofore had controlled it, all of its laws were to cease, there would be anarchy. So in all the

treaties it has been provided that until Congress should act the laws should continue in operation, and this resolution wisely provided, necessarily provided, that until Congress should act the laws should continue in force and in operation. But they did not—

Mr. TELLER. They would continue anyhow.

Mr. SPOONER. Yes, as a matter of international law.

Mr. CULLOM. I do not know that they would continue.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Certainly.

Mr. CULLOM. I shall have to beg pardon again for interrupting without leave.

Mr. SPOONER. Not at all. I always yield.

Mr. CULLOM. I beg pardon of the President of the Senate, I mean. The laws not only would exist, but there would be nobody there to enforce them, unless the government that existed there when the annexation act was passed continued to exist; and so the government is existing as well as the laws in a sense.

Mr. SPOONER. The resolution of annexation provided that the powers, civil, military, and judicial, necessary to the government of the island should be vested in such persons and exercised in such manner as the President should direct.

Mr. CULLOM. Yes, and he continued it at his discretion.

Mr. SPOONER. Certainly. Now we are providing laws for Hawaii.

Mr. CULLOM. Yes.

Mr. SPOONER. Really, the laws that have been in force there were in force, strictly speaking, under our law annexing the islands to the United States. So it is no longer, Mr. President, an independent republic; it is a part of the United States; and we are proposing by this bill to erect it into a Territory of the United States. I can very well see (and the commission and the committee were obviously wise about that) that in proposing a code of laws for the Territory of Hawaii they should leave in force the laws which are peculiar to their conditions over there, the laws which are not inconsistent with the Constitution of the United States, the perpetuation of customs peculiar to that people, to that climate, and to their former organization, property rights, and all that. That is proper; that is necessary. To do anything else, if we had power, would be tyrannical and indecent.

But, Mr. President, I am unable to see why, so far as their judicial system is concerned, they should have any right to insist that the judicial system of the republic should be continued in this Territory, and that we should give to them, so far as their court of last resort is concerned, a Territory very much smaller in population than some of the old Territories of the United States, a system of judiciary different from that which we give to the Territories.

Mr. CULLOM. Will the Senator from Wisconsin allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. CULLOM. I do not desire to interrupt the Senator, but I only want, as the Senator goes along talking about the situation, to say, in justice to those people, that so far as the commission know there was no determined purpose on the part of any of the people of those islands to have one form of government different from another, except that they did not want to be called a colony or be made a colony, and they did not want a commission to govern them.

Mr. SPOONER. We are not proposing to make them a colony.

Mr. CULLOM. As to the supreme court, there was no particular discussion, so far as I remember, as to whether they should be continued in office or the same establishment retained or not. The truth is, that no Senator ever had to deal with a population that was so thoroughly desirous, apparently, of doing what seemed to be right as the people of those islands in reference to this Government.

Mr. SPOONER. I do not question that, Mr. President. But are they a part of the United States?

Mr. CULLOM. Certainly.

Mr. SPOONER. And we ought to bring them, as soon as we can, into harmony with the system which we apply to the other Territories of the United States, treating them as a part of this country, treating them no better so far as their judiciary is concerned than we treat the old Territories. I can conceive of no reason, and none certainly has been given, which would warrant the Senate in making an exception in respect to the supreme court in Hawaii to that which prevails in the other Territories of the United States. The President, of course, is to appoint the governor. He appoints the governors of the other Territories. He appoints the judges of the supreme court in the other Territories. Why should he not appoint the judges of the supreme court in that Territory? They certainly can not complain that we treat them as a part of this country and of our own people by treating them as we treat the Territories on the mainland so far as the judicial system is concerned.

Here is a proposition, Mr. President, to authorize the governor of the island to appoint the supreme judges, to make the decision of that supreme court in matter of life and death final, giving no appeal from that Territorial tribunal to any tribunal above it. That is not the law as to any other Territory. Why should it be as to this? Why should a man condemned to die in Arizona have a right to appeal to a higher tribunal, and a man, an American citizen, if you please, condemned to die in Hawaii for a violation of a local law have no appeal from the supreme court of that State?

There was great force, to my mind, in the argument made by the Senator from Connecticut [Mr. PLATT] in support of the proposition that peculiarly in the Territory of Hawaii ought the President of the United States to appoint these judges. It is far away from us. The land ownership there is in the hands of a few, and in the hands of the rich; perhaps, as the Senator from Alabama intimated a few moments ago, in the hands of powerful men in California. It is largely a syndicate-controlled island.

The senate which is to confirm these judges is a small senate. It is a senate of only 15 men. It is a senate in the election of whose members the people at large have no voice. The natives of that island—the men who were born there, the men who love it, the men whose home it is—even though they be intelligent, even though they can read and write, even though they be docile and kindly and gentle, have no voice, unless they have money, in the election of that senate which, in conjunction with the governor, is to appoint these important officers. It is not a contest of manhood alone. It is a contest of manhood, of intelligence, and property. The band of men who under this bill—and I am not certain that it could properly be changed—are to choose this senate, a majority of whom will confirm or refuse to confirm the appointee of the governor, are comparatively small in number.

I think it would be wiser for that whole people if we in this one particular adhere to the policy which has governed the Congress of the United States in establishing at least the supreme court of that Territory. The President can be trusted—not only this President, but the Presidents who are to come after him. I can hardly conceive it possible, Mr. President, that there will be an occupant of the White House who, remembering the history of that people, remembering how they came to us, keeping in mind their isolation, their distance from us, the peculiarities of their situation there, different in language and customs, and all that, would choose some broken-down politicians, possibly ignorant in the law, possibly bankrupt in integrity as well as in purse, to take into their hands the administration of justice as members of the supreme court of the islands of Hawaii.

But the President alone is not to appoint these judges. If the amendment proposed by the Senator from Connecticut [Mr. PLATT] shall be adopted, they are to pass the Senate of the United States. The President will appoint them by and with the advice and consent of the Senate. I am not ready to believe that the day will soon come when a Judiciary Committee of this body will be found willing to give their consent, or when the members of this body will be found willing to give their consent, to the confirmation of a judge, or a man for a judge of the supreme court of Hawaii, out of harmony with that people and not in all respects fit to discharge those important duties. They can, it seems to me, in safeguarding their interests, be left much more safely to rely upon the President and upon the Senate for the confirmation of appointments and the confirmation of proper men than upon the governor and of the little senate elected by a small band of property owners in Hawaii, which eight men control. We all know how they would probably be elected and what, as a rule, their relation would be to the large property interests in Hawaii.

Mr. TILLMAN. Mr. President, will the Senator from Wisconsin allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes, sir.

Mr. TILLMAN. The Senator has painted such a graphic picture of the dangers from this little oligarchy, or the senate that is to be elected by voters possessing a property qualification, that I should like to ask him if he is going to consent by voting to allow that provision in this bill to remain in it?

Mr. SPOONER. That, the Senator will admit, has nothing whatever to do with the question which briefly I am discussing. I shall cross that bridge when we come to it, and endeavor to do, when we come to it, what I think is for the best interests of the people for whose benefit we are enacting this measure.

I have nothing more to say, Mr. President.

Mr. MORGAN. Mr. President, when I spoke of the republic of Hawaii as being in existence, of course I meant the government that is now in existence there, modified by the act of Congress; not that an independent republic exists there by any means, but that this republic exists there according to the terms and provisions of an act of the Congress of the United States; and in that sense, and to that extent, that all of the laws and constitutions of the

republic of Hawaii are in existence to-day and have been in existence since the 12th day of August, 1898.

That being so, what has taken place there? They have not had any meeting of the legislature to enact any laws since this act was passed by Congress; but the judiciary there have gone on and exercised all of their duties and powers; and I know as a matter of history that men have been hanged in Hawaii since the 12th day of August, 1898, under the laws of that republic. I know, as I stated here the other day, that the indictments under which those men were hanged ran in the name of the republic of Hawaii, and so by the order of the President of the United States.

We found when the commission went out there this government in full existence, in the full exercise of all of its authority; and the question that was presented to us was how far we should reduce or raze that government in every direction, so as to make it conform more nearly to the laws and the Constitution of the United States and to the prepossessions or the opinions of the people of the United States. Well, we tore it down and went as far as the commission thought they could in justice or in safety go, both in regard to the powers of the electors and also in regard to the judiciary and the executive departments of that government. It was a work of great labor to remodel that entire government. The committee did not feel that they would be authorized to appear before the Government of the United States with anything less than a system of laws fully written out for the government of Hawaii, taking those laws from the civil and penal codes of Hawaii, repealing such as we thought were in conflict with the laws and Constitution of the United States and many that we thought were in conflict with the public policy of the United States, and we have reported here and had printed in extenso all the laws that are retained. No Senator can justly complain that he can not understand the laws of Hawaii as they will exist when this bill is passed, for the reason that every statute is here plainly printed.

The preparation of this code of laws involved a great deal of labor and a great deal of care; and, as I have observed heretofore in this debate, it was gone over by the commission with extreme care, brought to the Committee on Foreign Relations, and examined there with great care in the last Congress and also in the present session of Congress. So, if there are any accidental omissions, if there are any difficulties or any changes that ought to be made, the commission and the Committee on Foreign Relations have not been able to discover them. The committee has done all that they knew how to do in the preparation of a system of laws upon which the republic of Hawaii could be changed into a Territorial government without destroying important and valuable rights and interests in that Territory.

The part of the bill which is objected to by the Senator from Connecticut is that which relates to the tenure and appointment of the judiciary of the islands. In the preparation of this measure we also had reference to all the statutes of the United States organizing the different Territories; and we found there, for instance, in regard to Arizona, that—

The judicial power in Arizona shall be vested in a supreme court and such inferior courts as the legislative council may by law prescribe.

Another part of this statute prescribes that—

The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

The law was consulted and observed in the preparation of this bill. The reasons that I had—I do not know what reason any other commissioner might have had—but the reason that influenced my action upon the subject of the method of appointing the judiciary was one that I have not heretofore chosen to express in a report or on the floor of the Senate.

I found in Hawaii, what I have just remarked about a while ago, that the great money power there was owned in California; that it was owned by corporations, some of which were organized in California and a few of them in Hawaii. It is so to-day. Claus Spreckels and the other moneyed men who hitherto have been in Hawaii, who own very large portions of the islands, and now reside in California, have all the rights and privileges of citizens of the State of California.

I know another thing, that the money power in the United States controls the election of Presidents. I understand that perfectly well, and we all understand it. I know that the influence of patronage in the election of the President of the United States is a very powerful and a very important matter, and I was satisfied, and I am satisfied now, that if we pass this bill the judges of Hawaii will pass under the jurisdiction of the political agencies of this Government, and that the people of Hawaii will be consulted in regard to those judges only to an extent that they have got some votes to cast, and in no other way, for the President of the United States or somebody else in convention or somewhere else. It has got so now that the casting of a vote by a Territory

in a convention, Democratic or Republican, is as full an expression of the influence of that Territory upon a Presidential election as if they had the right to vote in the electoral college. They make the nominations, and the nominations are always followed by the one party or the other, as either may be in the ascendancy.

I wanted to divorce, if I could, the judicial establishment in Hawaii from the political agencies in the United States. If that was a just and proper motive, that was what I wished. I have not wished that in the passing of that government into the control of the Government of the United States there should be any temptation whatever to any President of the United States, whether he was a Democrat or whether he was a Republican, to appoint men in those islands as judges as a reward for their political services to either party in the United States; and, Mr. President, I think I am entirely justified in that attitude by the history of this country, and I am certainly justified in it by the highest morals of political economy.

I passed through an experience of this kind, and I understand, I think, perhaps a little better than gentlemen who have not had such an experience, the principle that ought to control the Government of the United States in action like this. The republic of Hawaii, being a government that to-day exercises every function and power of government within its own limits, as I observed, is precisely in the attitude that the State of Alabama was in and the State of Georgia was in when they were coupled together in a satrapy for the purposes of reconstruction. It was not declared when that reconstruction was introduced here into Congress that the States had lost their sovereign rights or their place in the American Union. That was not declared. But the Government of the United States took the control of them, and that control was absolutely unlimited. To such an extent was it carried that in my own State a lieutenant in the command of a military company has gone into the circuit court while the judge was holding court, taken him off the bench, and locked him up in jail because he inflicted a fine upon a drunken soldier who was in a row in the streets of Jacksonville, Calhoun County, Ala.

That was the situation, which at the time was indescribably severe upon us. We did not suppose, and I never thought, there was any constitutional justification for it at all. Nevertheless, Alabama, after she had seceded from the American Union, had not been represented in the Senate or in the House of Representatives up to that time, and this governmental reconstruction was imposed upon us, and we were compelled to accept it in order to get our representatives into this body and into the other House.

Upon what principle did the Government of the United States proceed in doing that? They proceeded upon the idea that the State of Alabama, the State of Georgia, and all the other Southern States had come under the supreme power and jurisdiction of Congress in so far as Congress had the right to send its military officers there to compel obedience to the laws of the United States enacted by this same Congress.

Upon what predicate was that action based? It was upon the predicate that we had disassociated ourselves by our own act from the Government of the United States, and the laws of nations justified the Government of the United States in holding us in a state, I may call it, of suspended animation as a State government, and of admitting us into the Union upon certain conditions which we were required to accept and adopt; for instance, the ratification of the fourteenth and fifteenth amendments.

Hawaii, when this act of annexation was passed and when she accepted it, was placed by your statute exactly in the same situation, except that in Hawaii the civil power of the Government of the United States was extended over that Territory through the act of the President instead of the military power which was extended by act of Congress in 1866 and 1867, which I believe were the dates. Hawaii, therefore, to-day is in the situation that Louisiana was, as I have heretofore observed, under the act approved by Mr. Jefferson, where, in virtue of international law, Louisiana was held subject to the jurisdiction and power of the Congress of the United States, and the President of the United States in that act—I do not know in that act by express terms, but in this act by express terms—the President of the United States has the power—

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct.

Mr. SPOONER. And it was the same in Louisiana?

Mr. MORGAN. It was the same in Louisiana.

There we have it. There is no justification for that act of Congress in the Constitution itself, except so far as the Constitution of the United States has adopted the law of nations, and the law of nations, under the Constitution of the United States, by the declaration of the Supreme Court of the United States in many cases, and by the statement of the commentators on the laws of the United States, is a part of the law of the land.

The law of nations is a part of the laws of the land. So, under the authority of the law of nations, Congress has so provided

that what we call the republic of Hawaii—that is to say, the government that exists in Hawaii to-day and has existed since the passage of this act—should remain in full force and operation as to its local laws, but the President of the United States should vest the jurisdiction and power that was provided in those local laws in such persons as he saw fit. He could have removed every man who was in office in Hawaii, if he had chosen to do so, and appointed citizens of the United States from any of the States or Territories to have gone there and to have executed this act of Congress. He has chosen to leave Hawaii in the condition in which Congress found it and left it also at the time of the passage of that act.

I maintain that from that Hawaii had a just right to expect that the Government of the United States would treat her like she treated Alabama and Georgia when they might be admitted into the Union, we will call it, or to a Territorial form of government; that is to say, to provide for those people the preservation of all the rights and powers which they enjoyed at the time of annexation, subject, however, to the laws, the Constitution, and the general public policy of the United States.

If it is the general public policy of the United States—and this question was debated before the commission—that the judges of the courts there should be appointed by the President of the United States and that their tenure should be four years, then, Mr. President, of course there can be a perfect justification on the part of Congress in adopting that course; but that is not compulsory on the Congress of the United States. The Congress has a just discretion about this matter, and it ought to exercise it. The point I make about the tenure of office in the Hawaiian Islands, claiming that the judges of the supreme court ought to be in for a longer period of time than four years—it ought to be nine years, in my judgment—is that that is a peculiar legislative and judicial arrangement in Hawaii and that it requires men who have an understanding of the laws, the customs, the habits, and the history of Hawaii, and, in a large part, of the language of the Hawaiians, in order to comprehend exactly what a judge ought to know who is on the bench presiding in the most important of all questions that the mind of man can conceive of. That is my idea about the tenure of office.

While it may do to appoint a judge of the supreme court of Arizona for four years, Arizona being under the common law, her people speaking the English language and being accustomed entirely to our institutions and laws—while that might be justified in Arizona, it is a very dangerous thing to do in Hawaii, in my judgment, and upon that proposition as to the tenure of office—that is the argument which I advance—it is a dangerous thing in tearing down that government and replacing it with a Territorial government to go so far as to put our judges over them for so brief a period of time; and that, too, Mr. President, in connection with the fact that every judge who is appointed in every Territory is appointed purely on political grounds, and on no other, induced me to try to break that record—and other gentlemen of the commission were also satisfied with it—and to have for those islands out there a different situation, a different condition.

I do not want a politician from California or from New York or from anywhere else to go to the President and say: "Sir, I contributed a million dollars to your election; I have got vast interests in the islands of Hawaii, and I want you to appoint Mr. So-and-So a judge there, residing in Alabama or in Kentucky or in Michigan." I want to divorce, disconnect, the judicial system of Hawaii from the possibility, so far as we can do so, of having influences of this kind to operate upon them. I do not want to leave the judicial system of Hawaii a prey to the politicians of the United States.

A good deal of declamatory statement has been made here, and a good deal of defamatory statement also, in respect to the people of Hawaii, the classes who are to be admitted and those who are to be excluded from voting for the 15 senators in those islands. A money qualification to vote annexed to a white man is an odious and an abominable thing. I believe in the right of every white man who has got moral status enough to cast an honest vote having the right to vote, without respect to his age, if he is over 21 years, and without respect to the ownership of property that he may have, and without respect to his ability to read or write. That is my judgment about it. But in expressing this judgment how many of the States of this Union do I assail in their policy? How many of the States of this Union have property qualifications for voting? How many of them have literary qualifications for voting—qualifications that are accidental, that belong to the condition of the man rather than to his natural powers and rights as a white man? How many States, I ask, have these qualifications for voting? Quite a large number. And why should those States that now have property qualifications, literary qualifications, and various other qualifications come here to object to that limitation on that class of electors in Hawaii who are permitted to vote for senators based upon the ground of property?

What is the test in Hawaii, Mr. President? It is whether a man

is an indigent vagabond, who does not attempt to take care of his property or his family, who makes no accumulation, who does no work and does not want to work—a servile man, a man belonging to an inferior race of people—whether a man of that sort is a qualified elector.

But now the Senate seems not to have reflected, seems not to be thinking about the real attitude of this question. What are we doing here to-day? We are not fixing permanent organic laws upon the Territory of Hawaii. These election laws are not permanent organic laws at all; they are laws which may be modified by the subsequent action either of Congress or of the legislature. We take a community there that for the first time is to be brought in under the laws of the United States with the electoral privilege.

Let me illustrate, Mr. President, for just a moment. I will take Puerto Rico as my theme for the sake of the illustration. We have there nine hundred and odd thousand people. We will assume that one-fifth of them are men 21 years of age—about the proportion we have in larger communities. Perhaps it is not so large there. We are supposed now to be preparing to enable those people to exercise for the first time in their existence the right of local self-government. Do we select the whole body of the people without reference to the age of 21? The Spanish age of eligibility to the electoral privilege is 20 years, not 21. Do we select the whole body of the male population, Spanish, negro, mestizo, and confer upon them the power to organize a government in Puerto Rico? Are we expected ever to do a thing of that kind? In the inauguration of representative government in Puerto Rico, as in Hawaii, where the subject is *res integra*, and in Hawaii, so far as we are concerned, just as it is in Puerto Rico, we select the men who put the government machinery into motion for the first time. In Hawaii we have the advantage of having men who for years and years, even back under the monarchy, have had training in this matter of considering governmental projects and voting upon them. We have that very great advantage in Hawaii. In Puerto Rico we have not got a man who has ever had the privilege of doing any act at all as a voter or a constituent or a factor in the idea of self-government.

Now, we are making the selection; we are making it in Hawaii; we are not making it permanent; we are making it provisional; and the question is, Who will the Congress of the United States intrust, in the first instance, with the powers of local self-government to the extent they may go and form and organize a government in Hawaii, or commence the execution of a government in Hawaii? That is the question now before the Senate. If I had the honorable Senator from Connecticut [Mr. PLATT] there in Hawaii, with a pencil and a piece of paper in his hand, and had those people to pass in review before him, there is many a one he would strike out, to whom he would not intrust, as a member of the United States Senate, the power of organizing and conducting government in Hawaii.

Mr. PLATT of Connecticut. Mr. President, I support the provision about the property qualification for voting for senators.

Mr. MORGAN. Very well; and if the Senator had the selection of judges in Hawaii he would find men there who are thoroughly competent, qualified by long training and eminent ability, for the discharge of those judicial functions.

The Senator said that he had heard of some decisions in Hawaii by the supreme court that were peculiar. Questions are peculiar there, Mr. President, but there is no peculiarity in the decisions of Hawaii that is affected in any way in the world by personal incompetency or corruption. On the contrary, I have in my library the eleven books of the reports of the supreme court of Hawaii, and I can cite you to instances in the Supreme Court of the United States where those decisions have been quoted on general topics of law, and quoted as authority. The judicial system of Hawaii is one that is admirable, and the records of the supreme court of the republic and the monarchy of Hawaii show its admirable qualities.

The first time the supreme court was ever organized in Hawaii was by Kamehameha III, and he made himself the chief justice of the supreme court. The king conferred that honor upon the office that he himself sat on the bench with the associate justices, and from that time forward nothing has been so carefully considered as the jurisdiction, the practice, and the conduct of the supreme court and of the subordinate courts in those islands. So I should say that the Senator from Connecticut would find amongst those people a man more strictly eligible to a judgeship in those islands than he would find in California or in Maine or in Connecticut.

Now, if you will put him into the office and let him stay there for nine years, which is not a long term for a judge of a supreme court to hold, that man will become identified with the people. He will understand the interests that are bearing upon that community. He will understand the power that resides in California and rules in Hawaii. He will understand and, if he is honest, he will appreciate the necessity of having the judicial establishment stand aloof from and be independent of this foreign power on the

coasts of the Pacific Ocean. In my judgment, these matters are so worthy of consideration that I did not feel at liberty to tear down a system which has a life tenure for supreme court judges and a tenure of six years for circuit court judges and reduce the tenure and transfer the appointment of the judges into the hands of a power which was entirely foreign and entirely distant to a great many people in Hawaii.

Suppose the President of the United States were to select a really eminent, good man, whether he is a native Kanaka or whether he is a native-born white man, for there are many of that kind in Hawaii who have spent all their lives on the island, who were born there, and who feel for that island the same patriotic zeal that I trust I feel for the State of Alabama and the Government of the United States. Suppose such a man were appointed by the President of the United States and were to come before the Senate and hear the rabid, vicious, defamatory, horrible explosions of wrath and denunciation and vengeance and disgust that have been uttered by Senators on this floor in this debate, would we expect a fair consideration from the Senate under such denunciations of a man who belongs to that abhorred race or that abhorred region of the world? Sir, I should say that a gentleman from Hawaii who, after hearing the debates here to-day, would be willing to submit himself to the jurisdiction of this body would be either a very bold or a very bad man—one of the two. The demonstrations made here are entirely foreign, entirely antagonistic, and ferociously opposed to any conception that there can be either morality or law or justice in the Hawaiian Islands or that those people are entitled to any consideration whatever.

I said to the Hawaiians, when I first went there, "If you want justice in the Government of the United States, stand your ground and apply for admission as a State into the American Union, where your Senators can come upon this floor, and in the other House your Representatives can come and take care of your interests; for if you throw yourself into the hands of a foreigner and that foreigner is influenced in his conduct toward you by prejudice and passion or by the baneful effect of political power bought with money, you will be in a serious condition hereafter, and you will live to lament the fact that ever you consented to become a part of the United States of America." Mr. President, no warning could have prevented the Hawaiians from coming here. Those people have as assiduously and as continuously celebrated the birthday of American independence for fifty years as we have. They have never allowed a Fourth of July occasion to pass that they did not bring out the banners of the United States and hold their feasts and festivals in honor of our independence.

Those missionaries who went there, who seem to have lived to receive the opprobrium that is due only to the worst class of men that ever existed, infused into those people the first idea of liberty, the first conception of Christianity. They were their teachers. They translated the Bible into their language. Theirs was a spoken language, consisting of an alphabet of thirteen letters, nearly all of them vowels, and a few consonants. The missionaries translated the Bible into their language, formed the grammar and dictionary of the language, taught it in schools, so that the laws were not only written, but printed, in Hawaii and in the Hawaiian tongue, and built up for them from the foundation stone to its splendid majestic attitude that wonderful combination of people in Hawaii which, after all, grew into a republic. They did not usurp republican ideas or doctrines or principles and force them upon an unwilling multitude, but the whole people were inspired by the love for republican institutions, out of which grew this celebration annually of our natal day, the 4th day of July.

A people in that condition have the right to expect at our hands something besides abuse. Let some man point out a defect in the government of Hawaii, some corruption, some mismanagement, some abuse of trust or power; then I will be prepared to hear him with patience; but when it comes to the mere question as to whether the Hawaiian government has consented to make labor treaties and labor contracts to get her sugar-cane fields established there, and when that question runs off into a mock idea of liberty and justice and right, I am prepared to say that the people of Hawaii are misjudged upon that question. If they have been wrong about it, it is because they have been overruled by powers that were outside of Hawaii, most of them in California, for the purpose of enabling the sugar planters to get the labor of Japan and China upon their sugar estates.

Now as to Japan. A Japanese has as much right to make a labor contract with a man in the United States as a German has. They would both have a full right to do that but for the prohibition of our laws. A man can make a labor contract with a subject of Japan to go to Germany or England or France to work, but he can not do it as to the United States, because we prohibit it. That is the only reason for it. Hawaii, consulting her own interests, was not bound to prohibit such contracts. Nor was her conduct in making treaties for the purpose of getting those people into the islands to do work in the slightest degree immoral or incorrect in political economy.

It turned out to be a serious evil, because the influences which started this labor business in Hawaii have pressed it entirely too far. But now we propose to extend this act so as to repeal all those laws. It is a positive repeal of all those laws; and also we extend over those islands the laws and Constitution of the United States in full force, so that there is not a shred of a contract left standing in Hawaii if it is opposed to the laws of the United States. There were contracts in existence there at the time of annexation, but the labor contracts were not preserved, because they were opposed to the policy of the United States declared in law, and no contract which is opposed to the public policy of the United States Government as declared by the law can be valid after the passage of this act.

But contracts have been made since, and the amendment of the Senator from Massachusetts, I believe, invalidates those contracts. That amendment in its present form is an outrage upon the Constitution of the United States, for the reason that men have made contracts in Hawaii with companies in Japan for the purpose of importing labor. Those contracts can not be, or ought not to be, invalidated by any act of Congress. So far as the Japanese citizen is concerned, he ought not to be subjected to the laws which were not in force at the time those contracts were made. But so far as the contract itself is concerned, how can we afford to say that contracts which were valid, made since the 12th day of August, 1898, shall be made invalid by the operation of positive law? There we are cutting into the arrangements of those men, not in Hawaii, but chiefly in California, and who caused those contracts to be made.

We are cutting into them in such a way as would be utterly disastrous if we had any power to do it. We are merely raising questions that we have no power to enforce, for I take it that after all the Supreme Court of the United States, when it comes to sound this question to the bottom, will hold that the Constitution of the United States operates as a prohibition upon Congress to invalidate any contract that was valid at the time it was made. I think so. That is a point which has never been exactly decided, but it certainly has not been decided against the proposition I advance.

Mr. SPOONER. Will the Senator from Alabama allow me?

Mr. MORGAN. Certainly.

Mr. SPOONER. Does not the Senator understand that it is a fundamental principle of equity jurisprudence that the specific performance of a contract for personal service will not be enforced by a court of equity?

Mr. MORGAN. You can not enforce the specific performance of a contract by personal service in any court.

Mr. SPOONER. That is right. That is one branch of the amendment.

Mr. MORGAN. Only one branch, and that I am in favor of.

Mr. SPOONER. Let me ask the Senator another question.

Mr. MORGAN. Yes, sir.

Mr. SPOONER. Is it at all in harmony with our sense of right or theory of government that a violation of a contract for personal service shall be criminally punished?

Mr. MORGAN. Not at all. I opposed all those laws in the South.

Mr. SPOONER. That is the second branch of the amendment?

Mr. MORGAN. Yes.

Mr. SPOONER. And the two are all that is embraced in the amendment offered by the Senator from Massachusetts.

Mr. MORGAN. No; I think not. I think the amendment of the Senator from Massachusetts cuts down every contract in relation to the subject of the importation of labor under contract. There are some of them, I think, of very great magnitude, the largest of them, the most important of them, held in California.

Mr. CHILTON. It would be constitutional to interfere with contracts so far as future importations of people are concerned?

Mr. MORGAN. Oh, yes. That is cut off because the laws of the United States prohibit it absolutely.

Mr. CHILTON. That is right.

Mr. MORGAN. It is not only a void act, but a criminal act under the policy of the United States.

Mr. CHILTON. So, even if contracts existed, they could be interfered with to that extent at least?

Mr. MORGAN. Oh, yes. As this bill leaves the laws of the United States and Hawaii no man has any more right to import Japanese into Hawaii under contract than he has to import a German or a Frenchman into Maine or Massachusetts under contract to labor.

Mr. SPOONER. That statement I think is true, but that follows from the bill. It does not follow from the amendment offered by the Senator from Massachusetts.

Mr. MORGAN. I think the amendment of the Senator from Massachusetts goes very much further and seeks to make a Congressional invalidation of contracts for personal service held in those islands.

Mr. SPOONER. If the Senator will permit me, the amendment provides that no proceeding shall be maintained specifically to

enforce any contract heretofore or hereafter entered into for personal service or to criminally punish a violation thereof. That is the amendment.

Mr. MORGAN. The repeal of the statutes on that subject in Hawaii and the introduction of the laws of the United States cover the whole case absolutely and make the amendment unnecessary.

Mr. SPOONER. I am speaking of that amendment.

Mr. MORGAN. I think the amendment in the language in which it is couched is a dangerous one to personal rights and private interests there that are legitimate. But I do not care to stop the course of my argument upon this matter to enlarge upon that point. I am addressing myself entirely to the question of the Judiciary.

Mr. SPOONER. I beg the Senator's pardon for interrupting him.

Mr. MORGAN. But in regard to the enforcement of the law restricting immigration from China and restricting labor-contract immigration from Japan and India or Australia or anywhere else, ought there not to be in the islands of Hawaii a jurisdiction that has unquestionable power to deal with that question? Now, the jurisdiction that is conferred in this bill or the jurisdiction that was conferred in the statute giving the power to the supreme court of the Territory is not adequate to these two questions to which I have just adverted—the restraint and the control of immigration from China, which is prohibited, and all contract-labor immigration from Japan or any other country. The difficulty we have had in restricting Chinese immigration is that it has scattered itself along the whole coast of the United States and even around to north of the British boundary and perhaps south of the boundary with Mexico, and the persons who are prohibited from coming in here from China have percolated through these boundary lines, and we have had to exercise a good deal of vigilance and to employ a number of officers in order to check and prevent an influx of Chinese, and the courts have had to exercise a very earnest power—I was about to say arbitrary power, and it would be arbitrary but for the statute in the control of this immigration.

Now, sir, can we have a better protection against these two evils—for they are so declared by the national law—than to have at Hawaii, a point where all these ships touch, a district court of the United States fully empowered by our statutes to deal with this question; and if we have a district court, is it not one that naturally and necessarily is independent of all local influences in Hawaii which might be in favor of the admission of Chinese immigration for the sake of its labor and of labor-contract immigration from Japan? Where is there a point in the United States where the power of the district court would be more available or more useful or more necessary than in Hawaii for this very purpose?

Then we will take up the importation of diseases from the Orient, that great pesthouse, that bed of generation of all the great dreads that ever visit humanity—the bubonic plague, cholera, the black plague, or whatever it is. In the approach of ships to the United States there ought to be an establishment of quarantine in Hawaii subject to the power and control of a Federal court, so that the authority of the United States might there be felt, far out from the land, and the importation of diseases might be stopped at that favorite possession. If the Philippines after a while become in a condition where the men who have annexed those islands are willing to take care of the interests of the United States and the local population, if it gets into shape, which I hope it will do very soon, we will find an absolute necessity for a court of this kind at Manila; and with a court of that kind at Manila and another one at Honolulu, and with the district courts that are on the coast above it there, we shall have our coasts remarkably well guarded, so far as the exercise of the judicial power of the United States is concerned, and but for that power we would not have them guarded at all.

I will not go over the argument I made upon this question yesterday, and yet it is an inviting field to me. I wish to say to the Senator from Connecticut and the Senator from Wisconsin that if they feel in conscience bound to reduce the tenure of the supreme court judges in Hawaii to four years and are willing to assume the expense of the judicial establishment there that they have provided for in the amendments that are proposed, if the Senators will withdraw their objection to this Federal court and let it stand there, I will feel that the people of the United States and its Government have got a protection there that can not be exercised properly and completely by these local courts of four years' tenure in Hawaii. Let us have in that part of the earth of which we are now taking jurisdiction and control a judicial establishment that is in some sense adequate to the wants of this great nation.

Shall we have supreme or circuit judges in the Territory, with short tenures of office, and have come before them all these great questions of admiralty law and maritime contracts, collisions, and questions about violations of the customs laws and the internal-revenue laws? Shall we impose upon those courts, that are now full of business and have all the work they can do, the difficulty of con-

ducting this administration of justice in which the United States as a Government is so conspicuously and immediately concerned? Shall we pack it upon them and trust to a poor, weak, frail establishment the adjudication of all these great questions which must necessarily arise in Hawaii in consequence of its isolated position?

We are going very far indeed, if, consulting the past, we determine in our own minds that we will not grow or improve or increase it in any direction at all, and if we conclude that a court that is fit for Arizona, in the great American desert, is really fit for Hawaii, out in the bosom of the Pacific Ocean, 2,000 miles from us. Perhaps we can agree about that, but as a member of this commission and as a member of the Committee on Foreign Relations, after this subject has been so maturely considered I can not consent to do less than to have the Senate understand the whole field and vote upon it, as far as I am able to inform them, intelligently.

Mr. CULLOM. The Senate is pretty thin. I do not know whether there is a quorum here or not. I doubt if there is, but—

Mr. TILLMAN. The Senator can find out by having a call of the Senate.

Mr. CULLOM. It is evident the Senate does not desire to vote upon the question to-night, and I am inclined to think we may as well adjourn.

Mr. MORGAN. I hope the Senator from Illinois will ask for a day to decide this matter. Senators will never be in their seats until a day is appointed.

Mr. CULLOM. I should be very glad to have a day fixed when we can dispose of the case, if it is possible to do so.

Mr. COCKRELL. This is not an appropriate time to fix a day by a unanimous-consent agreement by which all Senators will be bound.

Mr. MORGAN. We have been doing it all the time.

Mr. CULLOM. Would there be any objection to such an arrangement?

Mr. COCKRELL. Let it be done in the morning, when Senators are all present, so that all Senators may hear and understand the agreement.

Mr. CULLOM. Unless there is a disposition to have an executive session, I will move that the Senate adjourn.

Mr. TILLMAN. I want to offer an amendment to the bill, so that I can have it printed and in shape for Senators to examine.

The PRESIDING OFFICER (Mr. PERKINS in the chair). It will be in the form of an amendment to the amendment.

Mr. TILLMAN. No, sir. It is a separate amendment to a separate and distinct part of the bill. It is not to the particular part under discussion now. I wish to offer it and get it in shape.

The PRESIDING OFFICER. If there be no objection, by unanimous consent the amendment will be received.

Mr. TILLMAN. I wish to strike out sections 59, 60, 61, and 62 of the bill dealing with the question of suffrage, and to substitute therefor the provisions of the present constitution of the State of South Carolina dealing with the same subject, including the registration laws of our State.

As the subject of the suppression of the colored vote in South Carolina has been brought prominently into this discussion, and as I have nothing to conceal and am ashamed of nothing in connection with it, and in order to give it the very widest possible circulation, I ask that the parts that I have marked here, which I offer as an amendment, from the constitution of our State and the parts of the bill which I ask to be stricken out shall be published in the RECORD in parallel columns, and let the people of the United States who read the RECORD see just what is being proposed here in the way of suppression of votes in the Hawaiian Islands and compare it with the South Carolina methods. I think we have improved on it down there somewhat, but, then, that is my opinion. I should like to get it before the country, however.

The PRESIDING OFFICER. The Senator from South Carolina desires to have printed a proposed amendment. If there is no objection, the amendment will be printed and lie upon the table for future consideration.

Mr. TILLMAN. I want it printed in the RECORD also.

The PRESIDING OFFICER. The amendment will also be printed in the RECORD. That is the understanding of the Chair.

Mr. PLATT of Connecticut. I hope the Senator will not ask to have them printed in parallel columns, as I do not want to get that practice in the RECORD. The Senator does not care for that?

Mr. TILLMAN. I have no objection to the two going in one after the other. Let the provisions of the Hawaiian bill precede the provisions of the South Carolina constitution, and then people can compare them.

The amendment proposed by Mr. TILLMAN is as follows:

Beginning on page 23 of the bill, strike out sections 59, 60, 61, and 62 in the following words:

SEC. 59. That each voter for representatives may cast as many votes as there are representatives to be elected from the representative district in which he is entitled to vote. He may cast them all for one representative, or may apportion them among the several representatives in such manner as he

sees fit: *Provided, however,* That any fractional division of a vote shall be void.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

SEC. 60. That in order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of 21 years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

Sixth. Be able to speak, read, and write the English or Hawaiian language.

METHOD OF VOTING FOR SENATORS.

SEC. 61. That each voter for senators may cast one vote only for each sent ator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.

QUALIFICATIONS OF VOTERS FOR SENATORS.

SEC. 62. That in order to be qualified to vote for senators a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives, and, in addition thereto, he shall own and be possessed in his own right of real property in the Territory of the value of not less than \$1,000, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register, or shall have actually received a money income of not less than \$500 during the year next preceding the 1st day of April next preceding the date of each registration.

And insert in lieu thereof the following:

SEC. —. All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret.

SEC. —. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided,* That any person holding another office may at the same time be an officer in the militia or a notary public.

SEC. —. Every male citizen of this State and of the United States 21 years of age and upward, not laboring under the disabilities named in this constitution and possessing the qualifications required by it, shall be an elector.

SEC. —. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years; in the county, one year; in the polling precinct in which the elector offers to vote, four months; and the payment six months before any election of any poll tax then due and payable: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State, otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration, who can read any section in this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of the secretary of state, on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided,* That he can both read and write any section of this constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at \$500 or more.

(e) Managers of elections shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated, or destroyed, if the applicant is still a qualified elector under the provisions of this constitution, or if he has been registered as provided in subsection (c).

SEC. —. Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

SEC. —. The following persons are disqualified from being registered or voting:

First. Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided,* That the pardon of the governor shall remove such disqualification.

Second. Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison.

SEC. —. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States nor while engaged in the navigation of the waters of this State or of the United States or of the high seas nor while a student of any institution of learning.

SEC. —. The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided,* That at the first registration under this constitution and until the 1st of January, 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the governor, by and with the advice and consent of the senate. For the first registration to be provided for under the constitution the registration books shall be kept open for at least six consecutive weeks and

thereafter from time to time at least one week in each month up to thirty days next preceding the first election to be held under this constitution. The registration books shall be public records, open to the inspection of any citizen at all times.

SEC. —. The general assembly shall provide for the establishment of polling precincts in the several counties of the State, and those now existing shall so continue until abolished or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

SEC. —. The general assembly shall provide by law for the regulation of party primary elections and punishing fraud at the same.

SEC. —. The registration books shall close at least thirty days before an election, during which time transfers and registration shall not be legal: *Provided,* That persons who will become of age during that period shall be entitled to registration before the books are closed.

Mr. CULLOM. Unless there is a disposition to have an executive session, I will move an adjournment.

Mr. PLATT of Connecticut. I should like to have an executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, February 26, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1900.

UNITED STATES ATTORNEY.

Francis H. Parker, of Connecticut, to be attorney of the United States for the district of Connecticut, vice Charles W. Comstock, whose term will expire April 1, 1900.

COLLECTOR OF CUSTOMS.

Herbert Morissey, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts, to succeed Daniel W. Andrews, whose term of office has expired by limitation.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1900.

INDIAN AGENT.

Joseph O. Smith, of Cortez, Colo., to be agent for the Indians of the Southern Ute Agency in Colorado.

POSTMASTERS.

Isaac Dyer, to be postmaster at Skowhegan, in the county of Somerset and State of Maine.

Nathaniel A. Burnell, to be postmaster at Cumberland Mills, in the county of Cumberland and State of Maine.

Lancetta L. Byram, to be postmaster at Liberty, in the county of Union and State of Indiana.

James W. Danser, to be postmaster at Freehold, in the county of Monmouth and State of New Jersey.

Edward Burroughs, to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey.

George A. Herrick, to be postmaster at Madison, in the county of Somerset and State of Maine.

Grant Coats, to be postmaster at Rockford, in the county of Mercer and State of Ohio.

Emil O. Ellison, to be postmaster at Lamoure, in the county of Lamoure and State of North Dakota.

Rufus Daggett, to be postmaster at Utica, in the county of Oneida and State of New York.

Charles E. Welch, to be postmaster at Phoebus, in the county of Elizabeth City and State of Virginia.

Cyrus E. Hipple, to be postmaster at Conshohocken, in the county of Montgomery and State of Pennsylvania.

Charles H. Ellsworth, to be postmaster at Hudson, in the county of Summit and State of Ohio.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 24, 1900.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of House bill 8245.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

Mr. CLAYTON of Alabama. Mr. Chairman, it is my intention to discuss this bill, the law applicable to it, and the questions that have grown out of the acquisition of new territory by the United States.